

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE: DECEMBER 18, 2019**

**NUMBER 26-2019**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 434 HEYWOOD AVENUE, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6901, LOT 7 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO CONSTRUCT A TWO-STORY GARAGE WITH DORMER AND HALF BATHROOM TO BE CONSTRUCTED AT THE REAR OF THE RESIDENTIAL PROPERTY**

**WHEREAS**, the Applicant and owner Varinia Menjivar submitted an Application for a Certificate of Appropriateness together with 16 photographs on four pages, and a plan set prepared by Artek Studio, LLC, 870 Broad Street, Newark, N.J. by Eduardo Macias, consisting of two sheets, A-100 and T-100, to construct a two-story garage with dormer and half bathroom and storage room in the upper floor, in the rear of this residential property in the Montrose Seven Oaks Historic District, at 434 Heywood Avenue, which is Block 6901, Lot 7 on the City of Orange Township Tax Map. Elisa Adion, a cousin of the Applicant, was also present to testify on behalf of the Application; and

**WHEREAS**, the Commission received and reviewed the Application, plan set and photographs, and listened to the testimony presented by Ms. Menjivar on behalf of the Application; 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 additional materials and is granting approval in reliance upon the representations made in the Application, the plan set, and the photographs, together with the testimony of Ms. Menjivar 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 Varinia Menjivar submitted an Application together with 16 photographs on four pages, and a plan set prepared by Artek Studio, LLC, 870 Broad Street,

Newark, N.J. by Eduardo Macias, consisting of two sheets, A-100 and T-100. Elisa Adion, a cousin, was also present to testify on behalf of the Application.

- B. Sheet A-100 depicts the front and side elevations of the two-car (two bay) two-story garage, including detail for the garage doors with windows in the doors, a doorway entry and sconces on either side of the doorway entry, a stone foundation base area all the way around, a dormer extending from the pitched roof on both the front and rear of the garage, and also showing the first floor plan and the attic floor plan.
- C. Sheet T-100 is the Site Plan and depicts the asphalt driveway although not its boundaries, various retaining walls, the relationship of the garage to the property lines and to the house, and includes the General Notes, Scope of Document, location, zoning table, Utility Notes and other relevant information for construction. It is noted that these two sheets are two of fourteen sheets (1 of 14 and 2 of 14) according to the plan sheets submitted. The other 12 sheets were not submitted with the Application.
- D. The garage is thirty (30) feet wide by twenty-two (22) feet deep by twenty-two (22) feet tall, overall. It has a half bathroom on the first floor as depicted on the first floor plan. The attic will be used for storage.
- E. The property lies within the Montrose-Seven Oaks Historic District. There are other two-story garages in this area, including “carriage houses” according to the Commission.
- F. The relief the Applicant seeks is to construct the detached garage in the rear of the property, clad in a Hardie plank or Timberline shingle historic-look material.
- G. The Applicant also plans to build a gazebo-type structure and add a fire pit and outdoor grill for barbeque-ing in the rear of her property.

## **II. CONCLUSIONS OF LAW**

- A. The Commission agreed that Application warranted the relief requested, and would advance the goals of the Montrose-Seven Oaks Historic District, the City’s Master Plan, the zone plan and ordinance, Design Guidelines, and the Municipal Land Use Law.
- B. The Commission does find that the Applicant has demonstrated by virtue of the Application and plans and testimony that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the construction based upon the Application, plans and testimony of Ms. Menjivar, specifically, that the construction must follow the plans submitted, and that the garage walls and dormers must be clad in Hardie plank and the roof in Timberline shingles, with appropriate wood or wood grain look materials making up the doorway entrance and garage bay doors, with lighting on both sides of the door as shown per plans submitted.
- C. The Commission further finds that the construction of this garage in the manner set forth in the Application, plans and testimony, will not impair the historic significance of the

district and 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, the Master Plan or the ordinance establishing the Commission, historic districts, map and regulations.

- D. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, strictly for the construction of the new garage.
- E. This is not a zoning approval. The OHPC does not examine applications with respect to either zoning or use. This is not a building or construction permit. This is not an approval of any side yard, rear yard or front yard setbacks, maximum lot coverage, floor area ratio, impervious surface, or compliance with any other local land use ordinance requirement, site plan ordinance requirement, or any other code, including but not limited to International Residential Code, National Electrical Code, National Standard Plumbing Code, International Energy Conservation Code, International mechanical Code, International Fuel Gas Code, N.J. Rehabilitation Sub-code, and the N.J. Barrier Free Sub-code.

### **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 G, Section II. A through E, 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 Essex 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:**

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Keith Carroll (mover)	<u>X</u>	_____	_____	_____
Kathy Dowd (2nd)	<u>X</u>	_____	_____	_____
Jody Leight	<u>X</u>	_____	_____	_____
Brandon Matthews	_____	_____	_____	<u>X</u>
Janice Morrell	_____	_____	_____	<u>X</u>
Troy Simmons	_____	_____	_____	<u>X</u>
Abdiel Velez	_____	_____	_____	<u>X</u>
Karen Wells	<u>X</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:

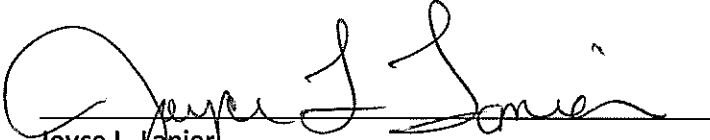
Motion: Dowd

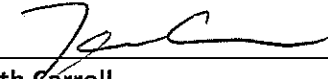
Second: Carroll.

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Keith Carroll	<u>X</u>	_____	_____	_____
Kathy Dowd	<u>X</u>	_____	_____	_____
Jody Leight	<u>X</u>	_____	_____	_____
Brandon Matthews	_____	_____	_____	<u>X</u>
Janice Morrell	_____	_____	<u>X</u>	_____
Troy Simmons	_____	_____	_____	<u>X</u>
Abdiel Velez	_____	_____	_____	<u>X</u>
Karen Wells	_____	_____	_____	<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

  
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Keith Carroll  
Vice Chair

