

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: DECEMBER 18, 2019

NUMBER 28-2019

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 635 MOSSWOOD AVENUE, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6501, LOT 14, ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO INSTALL AND EXTEND A DECORATIVE FENCE ALONG THE DRIVEWAY OF THIS RESIDENTIAL PROPERTY IN ACCORDANCE WITH THE APPLICATION

WHEREAS, the Applicant and owner Mr. Stanford Campbell submitted an Application together with depicting the fence which he would like to extend along his driveway to prevent deer from eating his vegetables and flowers; and

WHEREAS, according to the Applicant's testimony, he will extend and install the new portion of the fence as proposed in the photographs, cutting the posts down to the correct size once the pickets are installed; and

WHEREAS, the Commission received and reviewed the Application, together with the photographs depicting the circumstances warranting the relief, and together with the testimony of the owner and Applicant, in the public presentation by the Applicant on October 16, 2019, the Commission is making its determination thereon; 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, 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 Mr. Stanford Campbell submitted an Application together with eight black and white photographs depicting the ornate, decorative wrought iron fence around a portion of his property in the Montrose-Seven Oaks Historic District.

B. Each picket of Mr. Campbell's fence has a decorative finial and the posts have larger and more decorative finials. The gate has a bird with wings extended and a shield such as the type used in heraldry. The whole affair is very attractive and adds to the distinctiveness of the Montrose-Seven Oaks Historic District.

C. Unfortunately, deer have also found Mr. Campbell's flower beds and other yard plants to be attractive. Mr. Campbell therefore requested relief in the form of extending his fence down along his driveway to keep out the deer. The new fence and gate will match the design, material, color and height of the existing fence.

D. The Commission agreed that extending the fence along the driveway was fitting and proper especially as Mr. Campbell intends to use the same fence design, color and materials including the decorative finials in the extended portion. The fence extension will not impair the zone plan, the zoning ordinance's objectives, the Master Plan, or the Historic District and it will serve the purposes of the Municipal Land Use Law and the Design Guidelines.

E. The Commission first finds that the Applicant has demonstrated by virtue of the Application, photographs and testimony that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the above-referenced fence extension.

F. A permit must be obtained from the City for all work. This is not a building, zoning, or construction permit.

II. CONCLUSIONS OF LAW

A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and photographs and testimony that the relief sought in the Application is warranted, that the extension of the fence will not impair the zone plan or zoning ordinance, the Master Plan, the Design Guidelines or the plan for the Montrose Seven Oaks District, or the objectives of the Municipal Land Use Law, and in fact, the Commission finds that the goals of each of these plans, guidelines, ordinances, etc., will be advanced and that the public good will not be impaired, and that a Certificate of Appropriateness shall issue for the above-referenced fence extension.

D. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, for the relief requested and depicted in the photographs and described in the Application and the testimony of Mr. Campbell. The conditions described below in Section III. through Section VIII. following shall apply only if applicable to this fence project, otherwise, such conditions shall not apply to this approval.

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 Sub-code and/or Americans With Disabilities Act (ADA).

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

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

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 (mover)	<u>X</u>	_____	_____	_____
Kathy Dowd	<u>X</u>	_____	_____	_____
Jody Leight (2nd)	<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

	Yes	No	Abstain	Absent
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>