

City of Orange Township
Historic Preservation Commission Meeting Minutes

May 15, 2019

Commissioner Simmons announced that this is a meeting of Historic Preservation Commission of the City of Orange Township held at City Hall in Council Chambers, 29 North Day Street, Orange, New Jersey on Wednesday, May 15, 2019 at 7:30 p.m.

Commissioner Simmons asked all to stand for the Pledge of Allegiance to the American Flag.

ROLL CALL

Present: Commissioner Keith Carroll
Commissioner Kathy Dowd
Commissioner Jody Leight
Commissioner Janice Morrell
Commissioner Troy Simmons
Commissioner Karen Wells

Also Present: Janine Bauer, Esq.
Richard Wolff, Zoning Officer
Shawna Ebanks, Nishuane Group

Absent: Commissioner Brandon Matthews
Commissioner Abdiel Velez
Joyce L. Lanier, Secretary

Commissioner Simmons stated that the requirement of N.J.S.A. 10:4-9 et. seq., "Sunshine Law" has been met. A notice of this meeting was published in the Record-Transcript and sent to the Star Ledger on December 28, 2018 and posted on the Bulletin Board in City Hall and filed in the Office of the City Clerk.

MEETING MINUTES

- **March 20, 2019**
(Commissioners Matthews, Simmons and Velez were not in attendance and cannot vote.)

Motion: Commissioner Janice Morrell

Second: Commissioner Kathy Dowd

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews					<input checked="" type="checkbox"/>
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons					<input checked="" type="checkbox"/>
Commissioner Abdiel Velez					<input checked="" type="checkbox"/>

Commissioner Karen Wells

Motion passed.

- **April 17, 2019**
(Commissioners Leight and Simmons were not in attendance and cannot vote.)

Motion: Commissioner Kathy Dowd

Second: Commissioner Keith Carroll

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight					<input checked="" type="checkbox"/>
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons					<input checked="" type="checkbox"/>
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

I. NEW BUSINESS

- A. Certificate of Appropriateness Application – 205 South Jefferson Street, Orange, N.J. (Complete demolition of rotted wood in exception of foundation and a portion of the front porch. New framing and addition to the back.)**

Applicant/owner Jose Flores appeared and advised he wants to demolish the entire house with the exception of the foundation. Mr. Flores advised that he is the owner of the property and intends to build the house himself. He provided plans prepared by Zen Architecture and Engineering. In addition, Mr. Flores advised that he is not a licensed contractor. The Commissioners expressed their concern how an unlicensed contractor is able to determine if the foundation is safe and obtain permits to get the work done. In order to make a determination on this application, the Commissioners want to know the current condition of the foundation and the house. Ultimately, they want to know if demolishing the house is the only option or can it be repaired.

Motion to postpone application to the June 19, 2019 Meeting.

Motion: Commissioner Jody Leight

Second: Commissioner Janice Morrell

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons	<input checked="" type="checkbox"/>				
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

B. Certificate of Appropriateness Application – 248 Roberts Road, Orange, N.J. (vinyl siding, brick face and window installation, which is completed)

Applicant/owner Dennis Jenkins appeared and advised that he brought the property in February from the bank. Thereafter, he removed and replaced the siding of the home and added some culture stone in the front of the house. Unfortunately, he was not aware he needed a permit to get the work done. The windows were also replaced on the property, but further work was stopped by the City’s Construction Official and he was fined. Thereafter, he went before the Essex County Construction Board of Appeals and provided the Commission a copy of the Resolution.

Motion to issue approval for the changes that were made on the property. It is further noted that issuing this certificate of appropriateness does not establish a precedence for new applications.

Motion: Commissioner Keith Carroll

Second: Commissioner Karen Wells

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons			<input checked="" type="checkbox"/>		
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

C. Certificate of Appropriateness Application – 427 New England Terrace a/k/a 285 Lincoln Avenue, Orange, N.J. (proposed construction of a parking lot and ramp stair connecting Lots 9 and 11)

Mr. Brian S. Grant, P.E., of Grant Engineering and Construction Group, LLC, appeared on behalf of EMB Equities who owns the subject property at 285 Lincoln Avenue, also known as 427 New England Terrace, which is Block 4101, Lots 9 and 11. He presented a proposal for a parking lot to serve an existing apartment building, to improve the parking situation and circulation with a new driveway and parking stalls.

Mr. Grant advised that the parking lot will be screened with a six (6) foot high board on board fence and he described its dimensions; he further indicated that the fence would be set back seventeen (17) feet from Lincoln Avenue, and that it would itself be screened with landscaping, probably thirty (30) inch high boxwood shrubs planted in front of the fence closer to the street with taller arborvitae trees behind the boxwoods and planted next to the fence. This 17-foot setback of the board on board fence with landscaping in front of the fence is a deviation from the submitted plan set for landscaping (sheet 3 of 8) which the Applicant requested, and the OHPC approved. This 17-foot setback landscaped fence is a condition of approval that deviates from the submitted plan set.

Mr. Grant advised that two dry wells will be installed to reduce storm water runoff from the parking lot. There will be twenty-six (26) parking spaces in which Mr. Grant advised was a “standard” parking lot. Lots 9 and 11 will be merged, and the Planning Board will grant or deny any requested variances and

perform all other tasks within its jurisdiction, including but not limited to variances, deviations and waivers related to pre-existing lot-related non-conformities. The use is considered an accessory use. Mr. Grant advised that the existing shed on the property will be demolished, and that the existing retaining wall which is in poor condition will be removed and a new retaining wall constructed, to accommodate the change in grade.

Finally, Mr. Grant advised as to the lighting plan on sheet 5 of 8 of the submitted plan set, and he agreed that the proposed box-type LED light will be no higher than twelve (12) feet high maximum. That is a deviation requested by the OHPC and agreed to by the Applicant from the existing and submitted plan set, i.e. the 12-foot maximum height of the lights.

Motion to report to the Planning Board our approval of the Certificate of Appropriateness of the applicant EMB Equities, through its representative Mr. Brian S. Grant, P.E., to approve the parking lot for Lot 11 which will be part of the merge between Lots 9 and 11 and made part of the building which will be to construct 26 parking spaces. As represented above and any deviations from the plans submitted other than those describe above as conditions of the approval will require the Applicant to return to the OHPC for additional consideration, modification and/or approvals.

Motion: Commissioner Janice Morrell

Second: Commissioner Keith Carroll

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons	<input checked="" type="checkbox"/>				
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

E. Certificate of Appropriateness Application – 298 Fuller Terrace, Orange, N.J. (removing old windows and replacing with new vinyl windows)

The Applicant Fuquan Bilal advised that he is the owner of the subject property at 298 Fuller Terrace and the principal of SF Holdings, LLC. Mr. Bilal advised that he was replacing the windows in the house because they are in poor condition and they have, over time, become mis-matched with differences in size, shape, design including the number of panes and arrangement of panes (lights) from the original windows in the house. Mr. Bilal sought to restore the windows to their original shape, size, design and arrangement, and toward that end, he ordered and paid for the vinyl replacement windows, before he was made aware of the need to obtain an approval by way of Certification of Appropriateness from OHPC for any exterior changes to the property in the historic district.

Mr. Bilal presented photographs and an invoice for over \$9,000 for his new vinyl replacement windows, as well as, the product advertisements for the vinyl windows and new porch railings he intends to install. Mr. Bilal is concerned with the historic appearance of the house and otherwise is restoring it with like-kind materials. He assured the OHPC that while he is requesting approval to install the purchased vinyl replacement windows, he will not be installing any vinyl siding on the house.

As to the replacement handrails, the OHPC approved the design and material that he will install based on the fact that the existing wooden balusters and rails are rotten, and the sheet from Vista showing a primed lodge pole and rail, which sheet was part of his Application materials.

Motion to approve the Certificate of Appropriateness application by applicant SF Holdings, LLC to replace handrails and to allow the vinyl windows replacement as described and represented by the applicant.

Motion: Commissioner Keith Carroll

Second: Commissioner Jody Leight

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons	<input checked="" type="checkbox"/>				
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

D. Certificate of Appropriateness Application – 459 Lincoln Place, Orange, N.J. (open porch to return to original status)

Motion to postpone application to June 19, 2019 as applicant is not present.

Motion: Commissioner Troy Simmons

Second: Commissioner Keith Carroll

Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight	<input checked="" type="checkbox"/>				
Commissioner Brandon Matthews				<input checked="" type="checkbox"/>	
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons	<input checked="" type="checkbox"/>				
Commissioner Abdiel Velez				<input checked="" type="checkbox"/>	
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

II. RESOLUTION

None.

III. OTHER BUSINESS

- **Councilwoman Donna K. Williams – did not appear.**
- **Board of Education – 376 Claredon Place, Block 4902, Lot 4**

Ronald C. Hunt, Esq. (Partner of the Law Firm of Hunt, Hamlin & Ridley – counsel for the Board of Education); Adekunle James (Board of Education), Rodney Watkins (Architect) and Carey Palmer (IBN Construction) were represent.

Attorney Hunt advised that the Board of Education purchased the property with the intentions to level it and create more parking spaces. They are before the OPHC in regards to the demolition started at 376 Claredon Place, which a permit was requested for. The Construction Official stopped the demolition since they did not have a permit for the demolition and had to appear before the OHPC since the property is located at a historical district.

The Board of Education had previously come before the OHPC but the subject property was not part of the plans. In addition, they claim they were not aware that they had to come before the OHPC for this property. Commissioner Simmons pointed out that 376 Claredon Place was not owned by the Board of the Education and not part of the original plans, which was discussed over 18 months ago.

Commissioner Simmons expressed his disappointment with the Board of Education for not acknowledging the importance of the historical homes on the street even after lengthy discussions and historical significance documentation provided. Mr. James acknowledged on record discussions were made between the OHPC and the Board of the Education regarding the properties, with the exception of 376 Claredon Place since they did not own the property at the time.

Commissioner Simmons reiterated and asked Mr. James did he understand the historic significance of the Victorian homes on Claredon Place. Mr. James stated that unfortunately he did not understand, and thought that only applied to the home they asked them to restore. Furthermore, he did not know they had to come before the OHPC for 376 Claredon Place. Commissioner Simmons reminded all present that there were previous discussions between the Board of Education and the OHPC when they had considered demolishing the other properties acquired. Thereafter, a compromise was made with the Board of Education.

Mr. James advised that he meet with Marty Mayes from the Building Department and Anthony Carey from the Water Department regarding obtaining a permit to demolish 376 Claredon Place, but no one ever mentioned to him that he had to come before the OHPC. Contractor Carey Palmer advised that he was out of the office on vacation and his business partner came to the City for the permit and was advised that the permit would be issued in a few days. Therefore with the verbal assurance of getting a permit, they went ahead and proceeded with the demolition. Mr. James advised that they take the blame for starting the demolishing on the property.

Attorney Hunt advised that there were properties identified as do not touch but the notion that every property was historic by nature the Board of Education did not know. Commissioner Leight disagrees that the Board of Education did not know that the properties were historic considering there were two years of discussions between the Board of Education and the OHPC. Commissioner Simmons advised that they shared with the Board of the Education an inherited study about all homes on the block being in a historic district and their significance to the city.

Commissioner Dowd advised that since the Board of Education acquired the properties on Claredon Place the state of the street has deteriorated tremendously. 396 Claredon Place was knocked down with the intentions of making a parking lot. Thereafter, Mr. James advised that there was no money to do same. Now, there is a mud hole, liquor bottles, garbage and down trees. She inquired as to how is there money to purchase another home and money available now to make the parking lot. Mr. James advised that the property was cleaned, but Commissioner Dowd advised that the property has broken sidewalks, glass and trash. Commissioner Dowd has no trust in the Board of Education and believes they have disseminated the street. Mr. James advised that the Board of Education has been able to obtain more funds to complete the parking lot.

Attorney Bauer provided the Board of Education the most recent Historic Preservation Ord. 45-2017 which established the historic districts to avoid any further misconceptions. She advised there is nothing fair game in terms of demolition and provided a list of every Block and Lot covered in every historic district.

Commissioner Simmons advised Architect Mr. Watkins that the OPHC worked with Mr. James and all parties for two years to come up with a site plan acceptable to all parties, which was voted on. Tonight is the first time OHPC is hearing there is a new architect and site plan. Mr. Watkins provided draft plans, which includes catch basins, sidewalks, new curve cut and more parking spaces. Set of working plans will be provided to the OHPC within the next two weeks. Attorney Bauer advised that no changes can be made without first coming to the OHPC for review. Simmons reminded that previously issues included the number of parking spaces and coming in and out of the parking lot.

Commissioner Wells advised that she contacted the Building Department and spoke to Marty Mayes and he had no knowledge that a demolition permit was applied for. 376 Claredon Place.

Mr. Palmer advised that he was on vacation and had instructed a coworker to apply for the permit on his behalf. He was told that the water was abandoned from the street which is a pre-requisite for the permit, the water line approval was given, and they could go get the permit. He advised that they have done other demolitions in the City of Orange Township and never had a problem.

Commissioner Morrell advised that she had several conversations with the Board of Education and is disappointed that they have proceeded with this demolition without first having a conversation with the OHPC.

Mr. Palmer further advised that since they proceeded with the demolition without a permit, the Construction Official stopped the work and issued them a fine for \$4,000.00, which has not been paid and he plans to appeal same.

Zoning Officer Mr. Richard Wolfe advised that he visited the site and called the Construction Official, who confirmed that a permit was requested a day prior but there is a process before permits are issued. In addition, Mr. Wolfe confirmed with Marty Mayes that he did not issue the okay for the demolition.

Commissioner Morrell stated that she drove past the home and half of the house is still there and the other half was demolished.

Commissioner Simmons advised that more dialogue must take place between the OHPC and the Board of Education going forward. Attorney Bauer advised that Council's Ordinance in place calls for a \$25.00 a day fine for the first ten days and \$50 from 11 to 25 days. Furthermore, the OHPC can ask the Zoning

Officer to consider issuing more fines. Ms. Bauer advised she is alarmed that the contractor stated he does demolition all over the City of Orange, but this is his first time before the OHPC. Mr. Palmer advised that 90% of the demolitions are emergencies due to fires.

Commissioner Leight reminded the OHPC that they had agreed to allow the Board of Education to demolish 2 homes and one of those homes are still standing. She wants to know if the remaining house that was agreed to be demolished can be spared.

Commissioner Simmons expressed his concerns that more talk is being taken and thereafter nothing gets done. Mr. James advised that the previous architect was taking too long.

Commissioner Simmons advised that the OHPC wants the home stabilized such as roof, secure broken windows, doors, access to the house, fence around the house while work is being done on the site plan. In addition, Commissioner Simmons advised that guidelines to mothballing a property was previously provided to Mr. James.

Attorney Hunt requested clarification on what must be done on 386 Claredon Place. Commissioner Simmons advised shut off all utilities, repair and replace all broken glass so that no-one or vermin can get into the house or board the windows up, drain the pipes, make sure roof and gutters are not leaking to stop the deterioration of the property. Furthermore, Mr. Hunt requested a walk about to be clear what needs to be done on the property. Commissioner Simmons agreed and a date will be set up in the near future.

Attorney Bauer advised that when a list is created a resolution should be done as an agreement. Commissioner Simmons advised any future agreements must be done as a resolution. In response to a question, Attorney Bauer advised that if the Board of Education does not complete work they could get fined and/or taken to court for injunction. Preservation of 386 Claredon Place and the application for a parking lot should proceed simultaneously. A field visit will be scheduled within the next 10 days.

Commissioner Dowd inquired as to how long it will take to complete the lot. Mr. James confirmed that work for 386 and 396 Claredon Place will be done simultaneously. Commissioner Leight requested that is work is not done the ground should be stabilized to avoid a mud hole.

Mr. James assured the OHPC that funds are available, work will begin immediately and should be completed by September 2019 since the State is coming to build at the high school in August 2019.

Commissioner Morrell advised that she attended the last Board of Education meeting and the plans for the parking lot were never mentioned. Mr. James confirmed that same was not discussed at the meeting.

Since the demolition will now have to be done on an emergency basis, the contractor must inquire with the building department. The OHPC will not vote upon a demolition approval of the property. Richard Wolfe advised that the Construction Official is the only person that can approve the emergency demolition. Attorney Bauer will speak with Paul Arthur about same.

Motion to Adjourn: Commissioner Keith Carroll Second: Commissioner Kathy Dowd


Roll Call

	<u>Yea</u>	<u>Nay</u>	<u>Abstained</u>	<u>Absent</u>	<u>NP</u>
Commissioner Keith Carroll	<input checked="" type="checkbox"/>				
Commissioner Kathy Dowd	<input checked="" type="checkbox"/>				
Commissioner Jody Leight				<input checked="" type="checkbox"/>	
Commissioner Brandon Matthews	<input checked="" type="checkbox"/>				
Commissioner Janice Morrell	<input checked="" type="checkbox"/>				
Commissioner Troy Simmons				<input checked="" type="checkbox"/>	
Commissioner Abdiel Velez	<input checked="" type="checkbox"/>				
Commissioner Karen Wells	<input checked="" type="checkbox"/>				

Motion passed.

Adjournment Time: 9:50 p.m.

APPROVED:



Joyce L. Lanier
Secretary



Keith Carroll
Chair