

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE: NOVEMBER 20, 2019**

**NUMBER 20-2019**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 680 TREMONT COURT, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6602, LOT 22 ON THE CITY OF ORANGE TAX MAP, TO INSTALL A FENCE AROUND THE PROPERTY SIDES AND REAR WITH GATES ON SIDEWALK AND DRIVEWAY**

**WHEREAS**, the Applicant Eric Cummings (“Applicant”) on behalf of the owner Felicia Cummings, applied to the City of Orange Township Historic Preservation Commission (“OHPC”) for approval of a Certificate of Appropriateness for construction of a fence around the sides and rear of the property and to install gates at the sidewalk and driveway at the property Ms. Cummings owns located at 680 Tremont Court, City of Orange Township, N.J., which is Block 6602, Lot 22 on the City of Orange Tax Map; and

**WHEREAS**, the Commission received and reviewed the Application, the Applicant’s photographs submitted with the Application (six in number), demonstrating that the fence is chain link fence which is not allowed in the historic district in which the property is situate (Montrose-Seven Oaks HD), and the fence was damaged by a tree that fell on it; 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 photographs and is granting approval in reliance upon the representations made in the Application including the photographs, together with the testimony of was Mr. Cummings, in the public presentation by the Applicant on September 18, 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 Eric Cummings, representing the owner Felicia Cummins, applied to erect a new fence at Ms. Cummings’ property, 680 Tremont Court, a single family house located on Block 6602, Lot 22 in the City of Orange Township.

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- B. Mr. Cummings wanted to purchase and install a white PVC vinyl fence from a chain retailer, and was persuaded after listening to Commissioner's comments about the destructibility of such material in the sunlight and weather, to install a Design Guideline-compliant fence made of wood.
  - C. The replacement fence is necessary because the existing fence is chain link, which is not allowed in the historic district of Montrose-Seven Oaks, in which the property is situate, and because a tree fell on a portion of the fence and damaged it. The existing chain link fence is rusted and dilapidated, according to the six photographs submitted with the Application.
  - D. The Commission agreed that gates would be allowed in the new wood fence in locations at the interior sidewalk and driveway similar to those in the existing chain link fence. Mr. Cummings agreed on his behalf and Ms. Cummings, behalf, to otherwise comply with the City code for fence maximum height, and for location and design including that the construction components must face the interior of Ms. Cummings' yard, that no fence is allowed in the front yard, and that a lower-height fence will be considered in the front area of the side yard fencing. Mr. Cummings agreed that prior to installation, he will obtain a permit for installing the fence from the building department at City Hall.

## **II. CONCLUSIONS OF LAW**

- A. The Commission first finds that the Applicant has demonstrated by virtue of the Application and plans and testimony that the relief sought in the Application is warranted, i.e., the new fence construction and installation including gates around the rear and sides of the property to replace the existing, disallowed chain link fence which is damaged and dilapidated.
- B. The Commission further finds that the new wooden fence and gates will not unduly 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 and ordinance establishing the Commission, historic districts, map and regulations.
- C. 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-D above and Section II. A-C, together with all other conditions in Sections III through IX 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.

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- 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. 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:**

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

MEMORIALIZATION:

This Resolution adopted this 20<sup>th</sup> day of November, 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:

	Yes	No	Abstain	Absent
Keith Carroll	<u>  </u>	<u>  </u>	<u>  </u>	<u>  X  </u>
Kathy Dowd	<u>  X  </u>	<u>  </u>	<u>  </u>	<u>  </u>
Jody Leight (2nd)	<u>  X  </u>	<u>  </u>	<u>  </u>	<u>  </u>
Brandon Matthews	<u>  X  </u>	<u>  </u>	<u>  </u>	<u>  </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 (mover)	<u>  X  </u>	<u>  </u>	<u>  </u>	<u>  </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 November 20, 2019.

Adopted:

  
 Joyce Lanier  
 Secretary

  
 Troy Simmons  
 Chair