

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: NOVEMBER 20, 2019

NUMBER 21-2019

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 206 HIGHLAND AVENUE, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 5301, LOT 34 ON THE CITY OF ORANGE TAX MAP, TO RENOVATE THE EXTERIOR, ADD A DORMER AND CONVERT THE SUNROOM TO A BEDROOM AND OTHER CHANGES

WHEREAS, The Applicant and owner Mark Nelson (“Applicant”) applied to the City of Orange Township Historic Preservation Commission (“OHPC”) for approval of a Certificate of Appropriateness for work already performed at the property Mr. Nelson owns located at 206 Highland Avenue, City of Orange Township, N.J., which is Block 5301, Lot 34 on the City of Orange Tax Map; and

WHEREAS, the Commission received and reviewed the Application, the Applicant’s photographs submitted with the Application of the “after” phase of construction (seven in number), and reviewed several “before” photographs that Mr. Nelson showed the Commission on his cell phone; and

WHEREAS, the Applicant testified that he was unaware that the property was in an historic district and that the City of Orange Township did not inform him of same when he applied for and received his building permits, and that further, he was recently informed of same when he sought to update his permits; 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. Nelson, 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 Mark Nelson owns 206 Highland Avenue, a single family house located on Block 5301, Lot 34 in the City of Orange Township. Mr. Nelson purchased the house which was dilapidated with the intent to add a dormer to accommodate a master bathroom for the master bedroom, and to replace the exterior sunroom and convert it to a bedroom, and to change the exterior windows and doors. This work proceeded, according to the testimony of Mr. Nelson, pursuant to permits issued by the City of Orange Township, whose employees did not inform Mr. Nelson that any exterior changes to the structure had to come before the Historic Preservation Commission for a Certificate of Appropriateness. When Mr. Nelson applied for updated permits, he was informed of the City's historic preservation ordinance and the need to come before the Historic Preservation Commission, which he has now done, although the work on the exterior of the structure has already been performed.
- B. Mr. Nelson showed the Commission photographs of the changes made to the house, which were the seven (7) photographs attached to the Application; he also showed the Commission members several "before" construction photographs on his cell phone, so that they could see the roof without the dormer, the sunroom over the garage, which has now been converted to a bedroom, and the original door and windows, which are now fiberglass clad replacement windows. The exterior door will be replaced.
- C. Mr. Nelson described the other changes he made including new natural hardwood siding, painting, and related improvements.
- D. The Commission found that because of the house was likely not a contributing property to the character of the historic district in which it is situate (the Montrose-Seven Oaks HD), the materials used for replacement are high quality materials that are aesthetically pleasing, and the change in the roofline with the addition of the dormer are in keeping with the style of the original house itself, that the issuance of a Certificate of Appropriateness after the fact is appropriate in this instance, although the Commission was careful to note that the after the fact issuance of the Certificate is a one-time approval because of the unique circumstances presented by this Applicant here. This approval is not precedential.

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 change of the sunroom to the bedroom and the addition of a dormer, although affecting the front exterior façade of the house visible from the street, as well as replacement windows, doors, hardwood siding, painting, etc.
- B. The Commission further finds that the conversion and renovation 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, and that the same albeit inconsistent with the Master Plan and ordinance establishing the Commission, historic districts, map and regulations, the inconsistency is relatively minor and the Applicant was induced to undertake the construction by the issuance by the City of the building and construction permits, without first coming before the Orange Historic Preservation Commission.

- 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.
- 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 nd)	X	_____	_____	_____
Jody Leight	X	_____	_____	_____
Brandon Matthews (mover)	X	_____	_____	_____
Janice Morrell	_____	_____	_____	X
Troy Simmons	_____	_____	_____	X
Abdiel Velez	X	_____	_____	_____
Karen Wells	_____	_____	_____	X

MEMORIALIZATION:

This Resolution adopted this do 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:

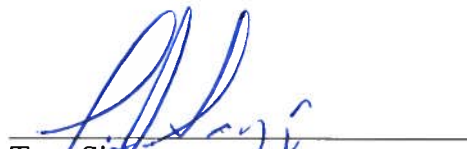
	Yes	No	Abstain	Absent
Keith Carroll	_____	_____	_____	X
Kathy Dowd (mover)	X	_____	_____	_____
Jody Leight	X	_____	_____	_____
Brandon Matthews (2 nd)	X	_____	_____	_____
Janice Morrell	_____	_____	_____	X
Troy Simmons	_____	_____	_____	X
Abdiel Velez	X	_____	_____	_____
Karen Wells	_____	_____	X	_____

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 do, 2019.

Adopted:



 Joyce Lanier
 Secretary



 Troy Simmons
 Chair