

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE: DECEMBER 18, 2019**

**NUMBER 24-2019**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 541 FOREST STREET, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 5101, LOT 7, ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO CONSTRUCT A FOUR-STORY MULTI-FAMILY RESIDENTIAL BUILDING WITH PARKING ON THE GROUND FLOOR IN ACCORDANCE WITH THE PLAN SET SUBMITTED WITH THE APPLICATION**

WHEREAS, the Applicant PP Forest Dev, LLC by its owner Mateusz Prawdzik, submitted an Application together with a six page plan set prepared by Space & Mark, LLC dated 5/17/2019, showing a site plan and street view (sheet A1), black and white renderings of the elevations of the structure proposed to be constructed (sheet A2), the first floor plan and second, third and fourth floor plan (sheets A3 and A4) the front and side elevations (sheet A5), and the other side and rear elevations (sheet A6); and

WHEREAS, the property is located at 541 Forest Street, which is Block 5101, Lot 7 on the City of Orange Township Tax Map, which was the subject of a previous application which was approved by this Commission to demolish two decrepit structures on this property, to make way for the proposed construction; and

WHEREAS, the Applicant by its witness Tom Visaggio, testified that after demolition, the Applicant proposes to construct a four-story industrial-looking multi-family residential building with 27 residential units on the second, third and fourth floor, and fifteen (15) parking spaces (on the first floor) accessible through a front garage door and driveway; and

WHEREAS, the Commission received and reviewed the Application, together with the plan set and exhibits depicting the circumstances warranting the relief, and together with the testimony of the Applicant's representative, Tom Visaggio, in the public presentation by the Applicant on October 16, 2019, 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:

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## **I. FINDINGS OF FACT**

A. The Applicant PP Forest Dev, LLC by its owner Mateusz Prawdzik, submitted an Application together with a six page plan set prepared by Space & Mark, LLC dated 5/17/2019, showing a site plan and street view (sheet A1), black and white renderings of the elevations of the structure proposed to be constructed (sheet A2), the first floor plan and second, third and fourth floor plan (sheets A3 and A4) the front and side elevations (sheet A5), and the other side and rear elevations (sheet A6).

B. The property is located at 541 Forest Street, which is Block 5101, Lot 7 on the City of Orange Township Tax Map. Currently there are structures on the property which will be demolished, after which the proposed building will be constructed. The demolition was previously approved by the Commission; this Application relates only to the proposed construction.

C. The Applicant by its witness Tom Visaggio, testified that after demolition, the Applicant proposes to construct a four-story industrial-looking multi-family residential building with 27 residential units on the second, third and fourth floor, and fifteen (15) parking spaces (on the first or ground floor) accessible through a front garage door and driveway.

D. The architect Hayk Ekshian, N.J. License No. 21A101941200, of Space and Mark, LLC, testified that the base of the building and the “column”-looking areas per the plans would be clad in a brick product, with alternating lighter and darker brick. Samples of the bricks were brought and shown to the Commissioners. Pewter-colored metal channels would encase the brick areas (essentially as a replacement for mortar). The idea was to mimic the 1905 Firehouse building.

E. The architect and Mr. Visaggio further testified that the alternating colors and “columns” will articulate and vary the façade to give it interest, but that otherwise the walls will be flat. The Commission expressed a preference for the Hardie plank panels to be a color other than the white shown on the renderings, as that was too stark; specifically, the Commission preferred the cobblestone color for the Hardie plank panels.

F. The front door will be aluminum in a bronze color, and the Commission was shown an example of the material and color, and the testimony described a similar installation at 20 Canfield Street.

G. The double hung windows and the header on top of the window will be metal with an older industrial frame look, however, there is no detail around the windows, except that there will be cast stone lintels over the windows at top and under windows on the brick façade.

H. There will be a canopy at the front entrance to the building, and a three foot wide sidewalk. There is no signage planned for the building. The Commission requested as much landscaping be planted as possible, given site constraints, including street and shade trees.

J. The lighting plan was not ready and this aspect was referred to the Commission's technical review committee. The Applicant testified that there will be two light poles at either end of the front area of the lot, however, the Commission requested front lighting for the steps and front door and generally to showcase the property, to which the Applicant agreed.

K. Questions about off-street parking, trash and recycling, walkways (to be concrete) and landscaping were answered. The Commission would like to see as much landscaping installed as possible, including street trees.

L. The mullions and design of the windows' edges will "line up." There are no windows on the rear elevation; it is essentially on the back property line.

M. The Commission asked that the garage door be made of wood, or metal that has a wood grain look and is stained or colored to match the color scheme of the doors, windows and façade, and the Applicant agreed.

N. The Commission agreed that the proposed development will advance the goals of the Master Plan, zone plan, Design Guidelines, and the Municipal Land Use Law. The proposed development is in the Central Valley Redevelopment Plan area, which is undergoing significant renovation and within the Orange Valley Historic District, which has a substantial industrial component.

O. The Commission found that the building, while very plain, will not impair the historic significance of the District and will not encroach upon nearby properties within the Orange Valley 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.

P. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, for the development of the property as depicted in the six-sheet plan set and as described above incorporating the agreements and representations in the testimony on the record at the meeting and recited herein.

Q. The Applicant must comply with all codes, be they federal, state, local or general safety requirements for demolition of the structures, and obtain demolition permit(s) from the City of Orange 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 as the project does not detract from the Historic District Design Guidelines and satisfies the City's goal for redevelopment of the "central Valley" area.

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B. The Commission expresses no opinion about the merit of the parking variance application which will be presented to the Planning Board, the overflow parking, or the fact that the building is according to the Applicant's representative's testimony, a three minute walk to the nearest railroad station.

C. The Commission further finds that the proposed development and its industrial, plain design of the building 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, per the plan set and Application submitted, together with the agreements and conditions recited herein, which must be strictly followed.

### **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 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:**

	<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

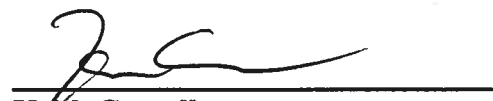
Second: Carroll

	<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**

  
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**Joyce L. Lanier**  
 Secretary

  
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**Keith Carroll**  
 Vice Chair

