

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 findings of fact and conclusions of law which allowed, permitted and approved the Certificate of Appropriateness in accordance with the plan set which had been provided as above; and

WHEREAS, subsequently, the Applicant determined that it would be more suitable to have a front entrance stairway to the front porch in the middle of the front porch/house and not an entrance stairway on the left side of the front porch, as was originally intended, and pursuant to the determination, the Applicant returned to the Historic Preservation Commission on December 18, 2019 with a plan set consisting of two sheets, A1.1 and A1.2, drawn by Mark E. Bess, architect, of mba Architects, Montclair, N.J., signed and sealed by Thomas Reynold, Architect, dated 11/25/2019, depicting the front stairway in the center of the front porch (and center of the house), and

WHEREAS, the Commission received and reviewed the Application, together with the plan and exhibits depicting the circumstances warranting the relief, and together with the testimony of the owners, in the public presentation by the Applicant on December 18, 2019, making its determination thereon; and

WHEREAS, the Application was again 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 findings of fact and conclusions of law which allowed, permitted and approved the Certificate of Appropriateness in accordance with the plan set which had been provided as above; and:

I. FINDINGS OF FACT

- A. The Applicant and owner Evariste Julceus having subsequently determined that it would be more suitable to have a front entrance stairway to the front porch in the middle of the front porch/house and not an entrance stairway on the left side of the front porch, as was originally intended, the Applicant returned to the Historic Preservation Commission on December 18, 2019 with a plan set consisting of two sheets, A1.1 and A1.2, drawn by Mark E. Bess, architect, of mba Architects, Montclair, N.J., signed and sealed by Thomas Reynold, Architect, dated 11/25/2019, depicting the front stairway in the center of the front porch (and center of the house), which the Commission, being fully familiar with the circumstances at this point, approved.

- B. All of the other conditions of approval, reasons and justifications that pertained to the original Application, still pertain to this Application and are incorporated herein.
- C. A permit must be obtained from the City for all work.

II. CONCLUSIONS OF LAW

A. The Commission agreed that installing this parking space and moving the steps and access to the enclosed porch to the center of the front porch while preserving all other architectural features will not impair the zone plan and zoning ordinance's objectives, or the Master Plan. While side yard parking is not prohibited by the Design Guidelines, any perceived inconsistency with the Historic District and Design Guidelines, will not significantly impair the Historic District or Design Guideline's application in this area, given the multiple off-street parking spaces throughout the District.

B. As such, the Commission agrees that the side yard parking space may be installed, and the steps moved to the front center of the front porch, along with the installation of a front yard interior walkway from the sidewalk to the front center steps into the front porch. This will advance the goals of the Master Plan, the zone plan and ordinance, and the Municipal Land Use Law.

C. 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, and that a Certificate of Appropriateness shall issue for the above-referenced changes.

D. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant, strictly for the changes to the front and side yards and the front porch as described above, based on the Applicant's testimony and agreements on the record, subject to the foregoing conditions in Section I. A through C, Section II. A through E, and Sections III through VIII including the following additional conditions, where applicable:

E. This is not a zoning approval. The OHPC does not examine applications with respect to either zoning or use. This is not a building or construction permit. This is not an approval of any side yard, rear yard or front yard setbacks, maximum lot coverage, floor area ratio, impervious surface, or compliance with any other local land use ordinance requirement, site plan ordinance requirement, or any other code, including but not limited to International Residential Code, National Electrical Code, National Standard Plumbing Code, International Energy Conservation Code, International mechanical Code, International Fuel Gas Code, N.J. Rehabilitation Sub-code, and the N.J. Barrier Free Sub-code.

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:

| | Yes | No | Abstain | Absent |
|--------------------|------------|-----------|----------------|---------------|
| Keith Carroll | <u>X</u> | _____ | _____ | _____ |
| Kathy Dowd (mover) | <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 21st day of October 2020 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 | _____ | _____ | _____ | _____ |
| Kathy Dowd (mover) | _____ | _____ | _____ | _____ |
| Jody Leight (2nd) | _____ | _____ | _____ | _____ |
| Brandon Matthews | _____ | _____ | _____ | _____ |
| Janice Morrell | _____ | _____ | _____ | _____ |
| Troy Simmons | _____ | _____ | _____ | _____ |
| Abdiel Velez | _____ | _____ | _____ | _____ |
| Karen Wells | _____ | _____ | _____ | _____ |

I hereby certify that the foregoing is a true copy of a Resolution of the City of Orange Township Historic Preservation Commission memorialized on October 21, 2020.

Adopted: October 21, 2020

Joyce Lanier
Secretary

Troy Simmons
Chair