

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: **December 16, 2020**

NUMBER: **16-2020**

TITLE: **A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 338 ELIZABETH STREET, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 1002, LOT 4 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO INSTALL SOLAR PANELS ON THE ROOF**

WHEREAS, the Owner Ingrid Stewart submitted an Application for a Certificate of Appropriateness for the installation of solar panels to the roof of her residential home at 338 Elizabeth Street, which is Block 1004, Lot 4 on the City of Orange Township Tax Map; and

WHEREAS, the Commission received and reviewed the Application, Momentum Solar’s engineer’s letter concerning the structural capacity of the roof dated August 31, 2020, the plan set dated 11/5/2020 prepared by Daniel W. Dunzik, RA, which consisted of PV-1 (Cover Page), PV-2 (Panel Layout), PV-2.1 (Plot Plan) and PV-3 (Electrical), and the Commission listened to the testimony presented by Mr. Dunzik on behalf of the Applicant and Owner; 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 additional materials and is granting approval in reliance upon the representations made in the Application, the structural capacity letter, original and revised plans and specifications, together with the testimony of Mr. Dennard in the public presentation by the Applicant on November 18, 2020; 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. Ingrid Stewart is the owner of the subject property, 338 Elizabeth Street, also known as Block 1002, Lot 4 on the City of Orange Township Tax Map. Ms. Stewart’s representative at the presentation and public hearing was Mr. Daniel W. Dunzik, RA, LEED-AP, an architect for Momentum Solar, South Plainfield, New Jersey.

- B. Mr. Dunzik testified in favor of the Application to install nine (9) solar panels and inverters and related equipment on the non-visible southern portion of the rooftop of the single

family home, which would comprise a 3.15 kW system, as well as ground mounted related electrical equipment.

- C. The application and the accompanying plan set paid careful attention to the requirement of non-visibility per the Design Guidelines. The plan set dated 11/5/2020 and prepared by Mr. Dunzik consisted of PV-1 (Cover Page), PV-2 (Panel Layout), PV-2.1 (Plot Plan) and PV-3 (Electrical).
- D. Mr. Dunzik convincingly described the reason why the solar panels would not be visible from any street, including that the finished first floor was about five (5) feet up from the street level, and the roof another eighteen (18) or so feet above that, and that the house itself is about 38 feet deep. With the solar system being mounted on the rear portion of the roof, it would not be visible even if one were to look down the driveway, he testified. The property is one hundred and four (104) feet deep with a driveway along the left, or east, side. Next to the driveway is a structure similar in character to the subject property and others in the district. On the other (west) side is a brick apartment building that in his view was out of character for the historic district.
- E. The solar panels will be installed on a “rail-less” system about four and one-quarter (4.25) inches off the roof surface. The details of attachment including couplings, clamps, fasteners, and other components, are part of the Cover Page (PV-1).
- F. Subsequent to the Application and based on counsel’s inquiry, Momentum Solar provided a letter dated August 31, 2020 signed by Mr. Dunzik indicating that “[t]he array will be installed on the existing roof. The roof framing is constructed of 2” x 6” wood rafters @16” on center spanning 8’ with ½” plywood sheathing. The new array (See Site map by contractor) will add 2.63 Lb. / Sf. overall to the roof. No additional structural support is required for the roof structure.” The letter further stated that “All aspects of the installation shall comply with NJUCC, ASCE 7-16, IBC NJ 2018, NEC 2017(NFPA-70), IRC NJ 2018.”
- G. It is the Commission’s understanding is that no trees will be removed in the process of installing the solar system nor is tree removal required to avoid shade.
- H. The Commission therefore found that because of the location of the house, and direction and angle of the rear roof on which the solar panels will be installed, the solar panels will not be visible from any public street, will not be obtrusive, and will not change the historic character of the building or neighborhood, and that issuance of a Certificate of Appropriateness was appropriate.
- I. The approval is specifically based upon the plans submitted, as recited above, together with the testimony of the owner’s representative, Mr. Dunzik.
- J. At the public hearing portion of the meeting, there were no comments from the public.

- K. Based on the plans, engineering letter and testimony, the Commission found the relief requested was appropriate and voted to approve the Certificate of Appropriateness.

II. CONCLUSIONS OF LAW

- A. The Commission agreed that Application warranted the relief requested, and would advance the goals of the Historic District, the City's Master Plan, the zone plan and ordinance, Design Guidelines, and the Municipal Land Use Law, and will not impair the intent or purpose of the zone plan or zoning ordinance nor cause any substantial detriment to the public good.
- B. The Commission found that the Applicant demonstrated by virtue of the Application and revised plans, and testimony that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the installation of the solar panels per the plan set prepared by Mr. Dunzik dated 11/5/2020.
- C. No changes may be made to the proposed design and installation of the solar panels on the roof exterior in the field during installation, as approved per the revised plan set. Installation of the solar panels and related equipment must be strictly in accord with and as depicted on the plan set. Changes to the approved plans must be approved in advance by the OHPC.
- D. This is not a zoning approval. The OHPC does not examine applications with respect to either zoning or use including bulk variances such as setbacks. 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 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 K, Section II. A through D, Section III. A through I, and Section IV. A-D, hereof, and the following additional conditions of Section V to VIII, 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 Essex County Soil Conservation Service, if required.
 - 3. All other necessary approvals from applicable county, state, regional and federal agencies, as required.

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 (mover)	<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 (2 nd)	<u>X</u>	_____	_____	_____
Abdiel Velez	_____	_____	_____	<u>X</u>
Karen Wells	<u>X</u>	_____	_____	_____

MEMORIALIZATION:

This Resolution adopted this 16th day of December, 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	_____	_____	_____	_____
Jody Leight	_____	_____	_____	_____
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 December 16, 2020.

Adopted:

Joyce Lanier
Secretary

Troy Simmons
Chair