

**CITY OF ORANGE HISTORIC PRESERVATION COMMISSION**

**DATE: FEBRUARY 17, 2021**

**NUMBER: 4-2021**

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS TO MANASSEE ASSOCIATES, LLC FOR THE PROPERTY AT 563 BERKELEY AVENUE IN THE CITY OF ORANGE TOWNSHIP, N.J., BLOCK 5802, LOT 18 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO RESTORE AND/OR REHABILITATE DILAPIDATED OR DESTROYED MATERIALS WITH LIKE KIND MATERIALS**

**WHEREAS**, the Orange Historic Preservation Commission (OHPC) received and reviewed the Application submitted by Applicant and owner Manassee Associates, LLC, for the property known as 563 Berkeley Avenue, also known as Block 5802, Lot 18 on the City of Orange Township Tax Map, in the Montrose-Seven Oaks Historic District;

**WHEREAS**, the Application consisted of the Application itself dated December 2020 and signed by the Applicant and owner Rev. Wanny Manassee, four color photographs of the front and rear elevations of the single family home, Plan with elevations and details drawn by Tao Zhang, Architect, TAO Architecture, Moorestown, New Jersey and a survey dated Sept. 10, 2020 by Allstate Mapping and Layout; 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 listened to the testimony and is granting approval in reliance upon the representations made in the Application, together with the testimony of Rev. Manassee on behalf of the Applicant and owner, in the public presentation by the Applicant and owner on January 20, 2021;

**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, Manassee Associates, LLC, owner and/or Applicant of the property known as 563 Berkeley Avenue, also known as Block 5802, Lot 18 on the City of Orange Township Tax Map, submitted an Application for a Certificate of Appropriateness seeking approval of various projects to restore and rehabilitate the exterior of the

property, a single family home in the Montrose-Seven Oaks Historic District. Applicant was advised at the December 2020 meeting of the OHPC to return with plans from the architect for the project, Tao Zhang, however, meanwhile, the Commission entertained and granted Applicant's request to install a new asphalt shingle roof on the house. In addition to the Application, the Applicant submitted color photographs of the houses' elevations, a drawing of the planned works drawn by Tao Zhang, Architect, of TAO Architecture, Moorestown, New Jersey, with accompanying details in the notes, and a survey.

- B. Based on Rev. Wanny Manasee's testimony, and that of the Architect, Tao Zhang, at the January 20, 2021 meeting, and the plan prepared by Mr. Zhang, which consisted of a single sheet with two different elevations of the house, with notes depicting the items to be restored or replaced, the Commission understood that the Applicant intends to restore each of the dilapidated items as reflected in the revised plan (with revised notes) from Mr. Zhang, and to replace with like-kind materials those features and items which have been destroyed through neglect of former owners.
- C. The Applicant agreed to make no other changes to the elevations or exterior facades except as depicted in the revised plan with revised notes to be submitted by Mr. Zhang, which revised plan with revised notes was reviewed by the Chair, Troy Simmons, Architect, subsequent to the OHPC January 20, 2021 meeting, and approved. Because approval of the revised plan and notes was a condition of the motion to approve the Certificate of Appropriateness, the condition has been met by virtue of the approval of the Chair who is also the chair of other technical review committee.
- D. The Applicant understands that because of the numerosity of missing or destroyed architectural features, including for instance dentil molding, the project will require much re-fabrication. The Applicant agreed that the materials that will be used, whether for restoration or rehabilitation, will be original material if the feature is to remain, and if the feature will be replaced and/or refabricated, the new material will match the original existing material.
- E. At the public hearing portion of the meeting, there were no comments from the public.
- F. Based on the photographs and testimony and revised plan with anticipated revised updated notes from Mr. Zhang, the Commission agreed to grant a Certificate of Appropriateness for the restoration and rehabilitation of the structure at 563 Berkeley Avenue in the Montrose-Seven Oaks Historic District, in strict compliance with the architectural plan and updated notes submitted by the project architect Tao Zhang.
- G. The restoration and rehabilitation approved and planned is in compliance with the Design Guidelines.

## **II. CONCLUSIONS OF LAW**

- A. The Commission agreed that the Application warranted the relief requested. The Commission agreed that the restoration and rehabilitation of this property and structure would advance the goals of the Orange Historic District, the City's Master Plan, the zone plan and ordinance, Design Guidelines, and the Municipal Land Use Law.
- B. The Commission found that the Applicant demonstrated by virtue of the photographs and information provided by testimony and the revised architectural plan submitted that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the rehabilitation and restoration requested, per plan.
- C. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant and Owner.

### **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 G, 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 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:**

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Keith Carroll	_____	_____	_____	<u>  X  </u>
Kathy Dowd	<u>  X  </u>	_____	_____	_____
Jody Leight (mover)	<u>  X  </u>	_____	_____	_____
Brandon Matthews (2 <sup>nd</sup> )	<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 17th day of February, 2021 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:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
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 February 17, 2021.

**Adopted: February 17, 2021**

\_\_\_\_\_  
**Joyce Lanier**  
**Secretary**

\_\_\_\_\_  
**Troy Simmons**  
**Chair**