

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: May 18, 2022

NUMBER: 10-2022

## **A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 231 HIGHLAND AVENUE IN THE CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 4802, LOT 16 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, FOR NEW WINDOWS, NEW ROOF, AND REHABILITATED SIDING AND OTHER REHABILITATION AND REPAIRS**

WHEREAS, the Owner of the property and Applicant for the Application for a Certificate of Appropriateness is 231 Highland, LLC, which Application was signed by Gabriel Barrial on April 14, 2022, and seeks approval for a new roof made of asphalt shingles, rehabilitation of the existing siding which consists of cedar shakes, and new windows on the residential home at 231 Highland Avenue, in the Montrose-Seven Oaks Historic District in the City of Orange Township, and which property is Block 4802, Lot 16 on the City of Orange Township Tax Map; and

WHEREAS, the Commission received and reviewed the Application, accompanying materials including three color photographs of the front, left side and right side elevations, no product sheets, and a property record sheet, and subsequently received four additional color photographs of the new replacement windows proposed for the remainder of the house (these were already installed) showing how they were smaller than the pre-existing windows and were framed out with wood trim (painted) to attempt to fit in with the architectural design and features of the house; and

WHEREAS, the Commission listened to the testimony presented by 231 Highland Avenue, LLC through its representative, Architect Ali Quereshi, and contractor Gustavo Ferrara (GusSkyy Home Improvement), who were sworn and testified at the presentation of the Application during the public hearings on April 20, 2022.

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, together with the sworn testimony and representations of the Owner and Applicant's representative, Ali Quereshi and the contractor, Mr. Ferrara, in the public hearing on the presentation of the Application; 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, and after the technical review committee met at the property with Mr. Quereshi to discuss the window options and other aspects of the Application, makes the following findings of fact and conclusions of law:

## **I. FINDINGS OF FACT**

A. The owner and Applicant of the property is 231 Highland Avenue, LLC. The Application was signed by Gabriel Barrial on April 14, 2022. The Owner/Applicant's representative at the hearing, Ali Quereshi, Architect, appeared along with the contractor Gustavo Ferrara, of GusSkyy Home Improvement, and they were sworn and/or affirmed that their testimony would be truthful and Mr. Quereshi then testified that the single family residential property at 231 Highland Avenue (which is in the Montrose-Seven Oaks Historic District) is in need of rehabilitation, that the roof is deteriorated, and that he proposes to replace the roof with asphalt shingles, to repair and paint the existing cedar shakes on the exterior siding of the house, and to replace the windows with windows that are not of the same dimensions as the existing windows (some windows were already replaced) and to frame out with wood painted trim the framing around the existing fenestration to make the smaller new windows appear more in keeping with the architectural design and feature details of the house.

B. The Application was accompanied by three color photographs of the front, right and left side elevations, and then supplemented with four additional color photographs of the new windows trimmed out with wood trim around the smaller windows that have been replaced already. A question was raised about the divided lights, and Mr. Quereshi testified that a grid can be placed inside the window (on the inside of the house) to make it appear that the window has divided lights. Chairman Simmons raised a question about the composition of the roof.

C. Because there were no cut sheets for the products that Mr. Quereshi proposed to use in the rehabilitation or replacements, the Commission referred the Application to the technical review committee which met at the property with the Architect and discussed the various options. As a result of the technical review committee meeting, the Commission finds that:

1. The Owner and Applicant may replace the windows with new windows on the condition that the owner's architect and contractor shall "frame out" the surround of the new windows with decorative mill-work that matches the existing, as depicted in the color photographs full scale mock-up. The framed-out mock up is approved.
2. The new replacement windows shall have divided lights in the upper and lower sashes.
3. The color of the replacement windows shall be reviewed by technical review committee for approval.
4. All exterior wood trim and architectural millwork shall be retained and where necessary replaced in-kind due to rot or termite infestation. All decorative profiles and designs are to be matched.
5. The existing cedar shake cladding on the exterior walls shall be repaired where necessary; any replacements of the shakes will be with like kind cedar shakes.
6. The color selection of new exterior paint shall be reviewed by technical review committee for approval.
7. The existing roof on the dwelling shall be maintained and repaired where necessary, and may be replaced in kind, with like kind materials.

D. **The Applicant, after testing for lead based paint to determine whether the paint exceeds the federal and state limits, shall scrape and clean the existing exterior wood shakes according to the technical requirements for containing lead based paint and dust and avoiding exposure to humans, promulgated by the United State Environmental Protection Agency (USEPA) and/or use only certified lead based paint contractors for this work, and also use the Secretary of the Interior Standards for Rehabilitation to repair any damage with like kind wood cedar materials, which should be discerned in the process of removing the existing paint and cleaning and preparing for new paint.**

E. Other than as approved, **no vinyl, aluminum or cement fiber plank siding is allowed to be installed on this home.**

F. At the public hearing portion of the meeting, there were no comments from the public.

G. Based on the testimony and Application, photographs and product information presented and the representations that were made by Mr. Quereshi on behalf of the Applicant and owner in the testimony provided, and the foregoing conditions and recommendations, the Commission agreed to the request to replace the roof with like kind materials, as needed, to repair the cedar shake cladding on the exterior walls and to make any replacements with cedar shakes, to paint the exterior shakes an approved color after consultation with the HPC technical review committee, to replace the windows with new windows on the condition that the owner's architect and contractor shall "frame out" the surround of the new windows with decorative mill-work that matches the depiction in the color photographs full scale mock-up submitted, and to make other repairs as necessary, preserving all existing architectural details and features and using like-kind materials.

**H. If there are any changes that the owner or Applicant believe are required from this approval and the conditions therein, the owner and Applicant must return to the HPC for approval of those changes before making any changes.**

## **II. CONCLUSIONS OF LAW**

A. The Commission agreed that request to make the repairs and replacements and the owner's and applicant's agreement to comply with the conditions of approval imposed above in Paragraphs A-E above including Para. C 1 through 7, warranted relief, would advance the goals of the Montrose-Seven Oaks 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 Application, testimony, photographs and product information as to the need for the new and rehabilitated renovations, to the roof, existing cedar shakes, windows, etc., that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue.

C. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant and Owner for repairs and replacements as necessary and conditioned on the foregoing and in particular Para. I. C. 1-7, above, with all paint colors to be approved by the technical review committee of the HPC.

**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, width, lot size, 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 Subcode, and the N.J. Barrier Free Subcode.

### **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 H, 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:**

	Yes	No	Absent
Keith Carroll	_____	_____	_____
Kathy Dowd	_____	_____	_____
Jody Leight	_____	_____	_____
Brandon Matthews	_____	_____	_____
Janice Morrell	_____	_____	_____
Troy Simmons	_____	_____	_____
Abdiel Velez	_____	_____	_____
Karen Wells	_____	_____	_____

**MEMORIALIZATION:**

This Resolution adopted this \_\_\_ day of \_\_\_\_\_, 2022 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	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 \_\_\_\_\_, 2022.

Adopted:

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

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