

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: May 18, 2022

NUMBER: 9-2022

## **A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 596 BERKELEY AVENUE IN THE CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6501, LOT 8 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, FOR NEW WINDOWS, NEW STEPS AND OTHER REPAIRS AS NEEDED**

WHEREAS, the Owner of the property, Mr. Shaik Kaiyoum, who is also the Applicant for the Application for a Certificate of Appropriateness for 596 Berkeley Avenue, which Application was submitted to the Orange Historic Preservation Commission by Mr. Kaiyoum on March 23, 2022, seeks approval to replace the existing slate roof with asphalt shingles, replace the concrete and wood steps with the same materials, and to replace the existing wood windows with vinyl windows on the residential home at 596 Berkeley Avenue in the Montrose-Seven Oaks Historic District of the City of Orange Township, and which property is Block 6501, Lot 8 on the City of Orange Township Tax Map; and

WHEREAS, the Commission received and reviewed the Application and accompanying materials including seven (7) color photographs of the house in a deteriorated condition, two sheets of information on the Crystal series 200 vinyl windows, two pages of product information for Tamko Heritage architectural asphalt shingles, two pages of property records from the City, and a stucco color sheet with Blue Grey and Adobe; and

WHEREAS, the Commission listened to the testimony presented by Mr. Kaiyoum who was sworn and testified at the presentation of the Application during the public hearings on April 20, 2022; 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, together with the sworn testimony and representations of the Owner and Applicant, Shaik Kaiyoum, 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, makes the following findings of fact and conclusions of law:

## I. FINDINGS OF FACT

A. Shaik Kaiyoum is the Owner and Applicant for a Certificate of Appropriateness for the single family home on property known as 596 Berkeley Avenue in the Montrose-Seven Oaks Historic District, designated as Block 6501, Lot 8 on the City of Orange Township Tax Map, and dated March 23, 2022, seeking approval to paint the exterior stucco, to replace the wood windows with new vinyl windows, and to replace the existing deteriorated slate roof with asphalt shingles. The Application was accompanied by seven (7) color photographs of the house showing deterioration of the existing stucco portions of the exterior walls, two sheets of product information for the Crystal 200 Series vinyl replacement windows, two sheets of product information from Tamko for the Heritage series architectural asphalt shingle, and two property records sheets. The Owner testified that there are current leaks into the house in response to Commissioner Leight's question.

B. HPC Chair Troy Simmons noted that this house is a major contributor to the Montrose-Seven Oaks Historic District; it was built in 1885 by Francis Hamilton Dyckman. HPC Chair Troy Simmons lives across the street from the subject property.

C. It was initially noted by the Historic Preservation Commission that the existing windows in the house are double-hung wood windows with plate glass lights, not divided lights, for the most part. The cut sheet supplied with the Application for replacement vinyl windows depicted divided lights and were inappropriate for the replacement of the large double-hung plate glass windows in this house. Vinyl products are inappropriate under the Design Guidelines for the Historic District regardless of the configuration of lights. After a technical review committee meeting at the property, the Commission determined the following conditions of approval of a Certificate of Appropriateness, which the Owner and Applicant agreed to:

1. Owner and Applicant shall replace existing windows with new windows per the Crystal 200 Series divided light cut sheet. Divided lights shall be in the upper and lower sashes. The color of replacement windows shall be reviewed by technical review committee for approval.

2. 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 shall be matched.

3. The existing Portland Cement stucco cladding shall be repaired where necessary. The color selection of new exterior paint shall be reviewed by technical review committee for approval.

4. The existing slate roof on dwelling shall be maintained and repaired where necessary. The roof of the second floor enclosed porch shall receive a new roofing membrane, the roof of the front porch, side porch and port cochere (roof over drive way) may be clad in composite slate or asphalt shingle per the cut sheet provided (Heritage architectural asphalt shingle by Tamko), however the HPC's preference is that composite slate be used.

5. The steps leading to the front porch and steps leading to the side porch shall be replaced in kind, with the same design and dimensions.

6. All existing chimneys on the structure shall be retained and restored.

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

E. Based on the Application, photographs and product information provided, and the Owner's testimony as to the need to repair and paint the stucco on the exterior walls, repair and replace where necessary the existing wood trim, need for slate roof repairs, to replace the stairs in kind, and the other representations in testimony of Mr. Kaiyoum and at the technical review committee meeting that all stucco, concrete and wood repairs and replacement materials will be in kind or with like kind materials to the original or existing materials, the Commission agreed to the request for a Certificate of Appropriateness on the conditions stated above.

**No vinyl or aluminum siding is permitted to be installed on this home. The vinyl siding that had been installed unlawfully must be removed in its entirety, if it has not been removed already.**

## **II. CONCLUSIONS OF LAW**

A. The Commission agreed that the Application to repair the stucco portions of the exterior walls and to paint the stucco an approved color, and to construct new concrete and wood steps in place of the deteriorated step was appropriate, to replace the windows per the product information sheets provided, and for other repairs and replacements as noted above, warranted the relief requested, and 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 color photographs and information provided by testimony as to the need for the replacements and repairs, that the 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 on the conditions listed above.

**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 E, 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

