

## CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

**DATE:** FEBRUARY 15, 2023

**NUMBER:** 8-2023

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 531 VALLEY STREET, CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6008, LOT 9 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO INSTALL ROOF-TOP SOLAR PANELS**

**WHEREAS**, the Owner Ardell Long-Temple, together with the Applicant Orbit Energy & Power, Mantua, N.J., submitted an Application for a Certificate of Appropriateness from the City of Orange Township Historic Preservation Commission (OHPC) for the installation of solar panels on the roof of the Owner's single family residential property at 531 Valley Street, City of Orange Township, which is Block 6008, Lot 9 on the City of Orange Township Tax Map (subject property); and

**WHEREAS**, the Commission received and reviewed the Application dated December 22, 2022, together with a letter from Thomas W. Gillis, AIA, Sickerville, N.J. dated December 9, 2022 certifying to the fact that the roof of the residential property is capable of supporting the additional load of the solar panels proposed to be installed, and a set of signed, sealed plans also prepared by Mr. Gillis, dated December 30, 2022 depicting twenty-two (22) solar panels to be installed on either side of the main roof of the house and four (4) solar panels to be installed on the front, shed-type construction, front porch type area of the house, including Sheet A-2, (Roof Plan Notes and Details), A-3 (Structural Information), A-4 (Electrical Information), A-5 (Solar Panel & Inverter Specs), A-6 (Enphase Q cable specs) and A-7 (Labels); and as well as an engineering drawing and packaging configuration, and several photographs of the subject property; and

**WHEREAS**, the Applicant's representative Sean Angelini, Orbit Solar, and Ardell Long-Temple, appeared and were sworn and testified in favor of the Application at the public meeting of the OHPC on January 18, 2023, after which it was explained to them that additional color photographs of the front and each side elevation were necessary for the Commission to evaluate whether the four panels proposed to be located on the front shed-type construction of the home (front porch area) would be visible from the street, and a dialogue followed regarding the effect of removal or relocation of these four panels on the calculation of the efficacy (power production) of the solar system, and other relevant considerations, after which it was determined to refer this matter to the Technical Review Committee; 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 has reviewed the Application and additional materials and is granting approval of a Certificate of Appropriateness which is a permit issued under the authority of N.J.S.A. 40:55D-111 in reliance upon the representations made in the Application, Architect Gillis's structural capacity letter attesting to the load-bearing capability of the structure, the revised plan set (still dated December 30, 2022) with revisions thereto on Sheet A-1 and A-2 (Roof Plan) now depicting twenty-two (22) panels, as specified below, additional photographs, and recommendations of the Technical Review Committee after a site visit, reducing the number of panels from twenty-six (26) to twenty-two (22); and

**WHEREAS**, the Commission, after carefully considering the evidence submitted by the Owner and Applicant, its own professionals and City's professional staff, if any, and the general public, and the recommendations of the TRC after a site visit, makes the following findings of fact and conclusions of law:

## **I. FINDINGS OF FACT**

- A. Ardell Long-Temple, the owner of the subject property, together with Orbit Energy & Power, Mantua, N.J. submitted an Application dated December 22, 2022, for the installation of twenty-six (26) solar panels on the on the roof of the residential home at 531 Valley Street, designated as Block 6008, Lot 9, on the City of Orange Township Tax Map, which is in the Orange Valley Historic District, together with several color photographs of the front, left and right side elevations, a signed, sealed plan set drawn by Architect Thomas W. Gills, RA of Orbit Energy & Power, Mantua, N.J. consisting of seven sheets, depicting twenty-two (22) solar panels to be installed on either side of the main roof of the house and four (4) solar panels to be installed on the front, shed-type construction, front porch type area of the house, including Sheet A-2, (Roof Plan Notes and Details), A-3 (Structural Information), A-4 (Electrical Information), A-5 (Solar Panel & Inverter Specs), A-6 (Enphase Q cable specs) and A-7 (Labels); and as well as an engineering drawing.
- B. The Applicant's representative Sean Angelini, Orbit Solar, and Ardell Long-Temple, appeared and were sworn and testified in favor of the Application at the public meeting of the OHPC on January 18, 2023, after which it was explained to them that additional color photographs of the front and each side elevation were necessary for the Commission to evaluate whether the four panels proposed to be located on the front shed-type construction of the home (front porch area) would be visible from the street, and a dialogue followed regarding the effect of removal or relocation of these four panels (or conversely, two of them located closest to the street) on the calculation of the efficacy (power production) of the solar system, and other relevant considerations, after which it was determined to refer this matter to the Technical Review Committee.
- C. The OHPC Technical Review Committee visited the site of the subject property together with a representative of Orbit Solar on Friday, February 10, 2023, and determined that the four panels (or two panels) proposed to be located on the front shed-type construction (front porch area) roof closest to the street would be visible from the street and were disallowed under the Design Guidelines, which Guidelines are incorporated into the City's ordinance enabling the OHPC's evaluation of such Applications, see §210-92 and §210-98 of the Orange Municipal Code, and the Applicant and Owner agreed to forego installation of those four panels, bringing the total number of panels to be installed to twenty-two (22) on the main roof. A revised plan set was submitted reflecting the removal of the four panels on the front porch area, shed-type construction in the front of the house.
- D. Architect Thomas Gillis, AIA, NCARB, LEED AP, NJ license # 18347, of Sicklerville, N.J., submitted a structural certification letter dated December 9, 2022 stating that the roof of the residential property is capable of supporting the additional load of the solar panels proposed to be installed.

The OHPC relies on the Architect's recitation and representation that the installed solar system as depicted and described in the Application, product information and plans as revised meets the requirements of the applicable local and State building code provisions referenced if all instructions are followed by the installer.

- E. Based on that TRC recommendation based on the site visit and subsequent revised plan set, and the fact that the Application together with supporting materials, including the other parts of the plan set consisting of those pages previously described in Para. A and color photographs showing left, front and right side elevations, the Orange Historic Preservation Commission (OHPC) determined to approve the Application for a Certificate of Appropriateness to install the twenty-two (22) total solar panels on the left and right sides of the roof of the subject property.
- F. No trees will be, or may be, removed and or significantly pruned in the process of installing the solar system, nor is tree removal required to avoid shade.
- G. The Commission found that the installation of the solar panels and mounting system per plan set and layout locating all of the solar panels on the rear portion of the roof will not adversely affect the historic integrity of the Historic District or the home, that the improvements will not negatively affect the Master Plan, zone plan or zoning ordinance, and will not be obtrusive or encroaching under the Design Guidelines, and that issuance of a Certificate of Appropriateness was warranted.

## II. CONCLUSIONS OF LAW

- A. The approval of the Certificate of Appropriateness permit authorized under N.J.S.A. 40:55D-111 is specifically based upon the Application itself, the color photographs, the revised roof layout plan set submitted, and technical information from the manufacturer/distributor, the Architect's letter, and the recommendation of the Technical Review Committee after a site visit and inspection. The plans, photographs, attachments, letter, and TRC recommendation form the basis of the approval, and are incorporated herein as if fully set forth herein. No deviations are allowed from the revised 22-panel plan set without further hearing before and action by the Commission. There shall be no field adjustments or field changes.
- B. The Commission finds that the Applicant demonstrated by virtue of the Application, testimony, plans, site visit and all information provided, that the relief requested by the Applicant for the Certificate of Appropriateness is warranted.
- C. 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.

**This is not a zoning approval.** The OHPC does not examine applications with respect to either zoning or use. 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 G, 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: (none, administratively approved after TRV site inspection)**

	Yea	Nay	Absent
Keith Carroll	_____	_____	_____
Kathy Dowd	_____	_____	_____
Jody Leight	_____	_____	_____
Brandon Matthews	_____	_____	_____
Janice Morrell	_____	_____	_____
Troy Simmons	_____	_____	_____
Abdiel Velez	_____	_____	_____
Karen Wells	_____	_____	_____

**MEMORIALIZATION:**

This Resolution adopted this 15th day of February, 2023 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	Abstain
Keith Carroll (Second)				
Kathy Dowd				
Jody Leight				
Brandon Matthews				
Janice Morrell				
Troy Simmons (Motion)				
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 15, 2023.

Adopted: February 15, 2023

\_\_\_\_\_  
Joyce L. Lanier  
Secretary

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Troy Simmons  
Chairperson