

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

**DATE:** MARCH 15, 2023

**NUMBER:** 10-2023

**TITLE:** A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 406 CLARENDON PLACE IN THE CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 4902, LOT 1 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, FOR A NEW ROOF AND SIDING ON RIGHT SIDE OF GARAGE

**WHEREAS**, the Owners of the property and Applicant Kathy Cooper and Steven Dowd submitted an Application for a Certificate of Appropriateness seeking approval for a new asphalt shingle roof on their pre-existing garage, new pine wood siding on the right side of the garage, and new footings for the garage located on the property known as 406 Clarendon Place in the City of Orange Township, in the Orange Valley Historic District, and which property is Block 4902, Lot 1 on the City of Orange Township Tax Map; and

**WHEREAS**, the Commission received and reviewed the Application dated and signed on February 1, 2023, and accompanying materials including two black and white photographs and five color photographs depicting the house for reference and all angles of the garage that had improvements made, and a property record; and

**WHEREAS**, the Commission listened to the testimony presented by Ms. Cooper in favor of the Application after she was sworn and Mr. Dowd were sworn and testified at the presentation of the Application during the public hearings on February 15, 2023; 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 color photographs and is granting approval in reliance upon the representations made in the Application, together with the sworn testimony and representations of the Owners and Applicant, Kathy Cooper and Steven Dowd, 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. The owners of the property, Kathy Cooper and Steven Dowd, appeared and were sworn and testified that they own the property at 406 Clarendon Place on which there exists a single family home with a rear garage, and that the garage was severely deteriorated, and that the roof was leaking. Ms. Cooper testified that the contractor removed the deteriorated shingles and replaced the roof with asphalt shingle roofing materials, which was a like-kind materials rehabilitation, and that they removed the existing cedar siding on either side of the garage, and side wall framing, had new foundations laid, and then reframed the garage in the same style and dimension, with the same footprint as the pre-existing garage, and then re-applied the pre-existing cedar siding on the left side of the garage and replaced the deteriorated siding on the right side with pine siding, to match the cedar in its application and arrangement. The window and garage door were replaced but no structural, size or design changes were made. The front and back of the garage were not touched in the rehabilitation process.
- B. After the rehabilitation with like-kind materials was completed by their contractor, Ms. Cooper and Mr. Dowd were informed by the Building Department of the City of Orange Township that they would need to obtain a Certificate of Appropriateness from the Orange Historic Preservation Commission (OHPC). This Application and public hearing on the Application proceeded, and the testimony was as stated above as to the actions taken.

- C. At the public hearing portion of the meeting, there were no comments from the public.
- D. Based on the testimony provided that the roof of the garage was replaced with like-kind materials, that the cedar siding on the left side of the garage was saved and then re-placed onto the left side, and that pine siding to match the cedar was applied on the right side of the garage where the cedar could not be saved, and that the re-framing and new footings was necessary due to deterioration, the Commission agreed to the request for a Certificate of Appropriateness and found same warranted based upon the sworn testimony and representations at the public hearing on the Application and photographs and other materials submitted.

## II. CONCLUSIONS OF LAW

- A. The Commission agreed that request to install new roof shingles and new pine wood siding on the right side of the garage warranted relief, and would advance the goals of the Orange Valley 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, photograph and other information as to the need for the new roof and new wood siding on the garage, that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the new roof and siding on the garage only.
- C. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant and Owners for a new shingle roof made up of, specifically, asphalt roof shingles and new pine wood siding.

**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 D, 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	Abstain
Keith Carroll (Moved)	X			
Kathy Dowd (Disqualified)				
Jody Leight	X			
Brandon Matthews			X	
Janice Morrell (Seconded)	X			
Troy Simmons			X	
Abdiel Velez			X	
Karen Wells			X	

**MEMORIALIZATION:**

This Resolution adopted this 15th day of March, 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 (Moved)				
Kathy Dowd (Disqualified)				
Jody Leight				
Brandon Matthews				
Janice Morrell (Seconded)				
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 March 15, 2023.

Adopted: March 15, 2023

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Joyce L. Lanier  
Secretary

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Troy Simmons  
Chairperson