

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

**DATE:** MARCH 15, 2023

**NUMBER:** 11-2023

**TITLE:** **A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 436 NEW ENGLAND TERRACE IN THE CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 4103, LOT 10 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, FOR A NEW WINDOWS**

**WHEREAS**, the Owners of the property Jose Ruiz and Chaz Hills Dozier, together with the Applicant Home Depot, 2455 Paces Ferry Road, Atlanta, GA 30339, submitted an Application dated December January 31, 2023 for a Certificate of Appropriateness seeking approval for the installation of ten (10) new windows on the residential home located at 436 New England Terrace, in the City of Orange Township, in the Montrose Seven Oaks Historic District, and which property is Block 4103, Lot 10 on the City of Orange Township Tax Map; and

**WHEREAS**, the Commission received and reviewed the Application and accompanying materials including three (3) color photographs depicting the house and all angles of the hipped roof, and the windows, as well as the Home Improvement Agreement, product information sheets for Simonton 6100 double hung windows, and a property record; and

**WHEREAS**, the Commission listened to the testimony presented by Andrew Petrides, representative of Home Depot, and Chaz Hills, the owner, in favor of the Application after they 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, accompanying materials, and color photographs and asked questions and listened to the responses, and following the public hearing the Commission agreed that the ten (10) new double hung white insulated windows in the same dimensions as the existing windows are sufficiently consistent with the existing deteriorated wood windows so as to be consistent with the Design Guidelines; and

**WHEREAS**, the Commission 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 from Home Depot in the public hearing on the presentation of the Application and in the product information materials and window plan stating which windows would be replaced; 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 subject property, 436 New England Terrace, City of Orange Township, N.J. 07050, also designated as Block 4103, Lot 10 on the City of Orange Tax Map, are Jose Ruiz and Chaz Hills Dozier. The Applicant is Home Depot, 2455 Paces Ferry Road, Atlanta, GA and the Applicant was represented at the public hearing on the Application by Andrew Petrides..The Owners and Applicant were sworn and testified in favor of the Application at the public hearing held on February 15, 2023.
- B. The Application consisted of the Application form itself, signed on January 31, 2023 by Scott Doughman, Home Depot, with permission of the owner represented by the Home Improvement Agreement signed by Chaz Hills Dozier dated January 29, 2023, three (3) color photographs of the side porch elevation (and other elevations) of the single family residence where the existing windows will be removed and the new windows installed, product information sheets for the Simonton 6100 series double hung, white insulated windows, and a Window Specification Sheet showing that the dimensions of the windows to be removed, as well as a property record card.

- C. The subject property is located in the Montrose-Seven Oaks Historic District. According to the photographs, the house faces sideways instead of facing the street, and the front door is on the side of the house. The windows will be installed on the side porch. The windows to be installed on the elevations noted as “1” and “5” are on the short sides of the rectangular attached porch, and the windows to be installed on the elevations noted as “2,” “3,” and “4” on the “front” or long perimeter side of the attached porch (the long perimeter) which is the elevation that actually faces the street, New England Terrace.
- D. The Home Depot representative, Mr. Petrides, testified that the ten (10) new white double hung windows will be the same size and same style as the existing windows that are deteriorated and will be removed. Because the new windows are insulated, there will be no need for storm windows, Mr. Petrides further testified. There will be no structural changes to the house or aperture openings.
- E. The new windows are vinyl, and because vinyl is prohibited by the Design Guidelines, the owners and Applicant require a Certificate of Appropriateness to proceed with the project. The Commission members found that the windows were deteriorated as was testified to, and needed to be replaced, and that because the new windows will not require storm windows, and are the exact same size and style as the existing windows, and that the placement is the same, that the window replacements would not detract from the Historic District, the integrity of the house itself, or the zone plan and Master Plan, and that the relief was warranted.
- F. At the public hearing portion of the meeting, there were no comments from the public.
- G. This approval is limited to the new windows, and is based upon the testimony, product information, Window Specification sheet, representations at the meeting, and the Application and photographs submitted.

## II. CONCLUSIONS OF LAW

- A. The Commission agreed that request to install new ten (10) windows warranted relief, and would advance the goals of the Montrose Seven Oaks Park 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 as to the need for the new windows, that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the replacement of the ten (10) new Simonton 6100 series double hung insulated white windows only.
- 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 the replacement of ten (10) new double hung windows, per the plan, Window Specification sheet, photographs, and Application and Home Improvement contract submitted.

**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 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:**

	Yes	No	Absent	Abstain
Keith Carroll (Moved)	X			
Kathy Dowd (Second)	X			
Jody Leight	X			
Brandon Matthews			X	
Janice Morrell	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