

## CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

**DATE:** JUNE 21, 2023

**NUMBER:** 12-2023

**TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 705 S. CENTER STREET, CITY OF ORANGE TOWNSHIP, N.J., BLOCK 6602, LOT 37 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, TO INSTALL SOLAR PANELS ON THE ROOF**

**WHEREAS**, the Owners Alfonzo and Bettye Williams together with a representative of Momentum Solar, Alexis Catalano, submitted an Application for a Certificate of Appropriateness from the Orange Historic Preservation Commission (OHPC) for the installation of solar panels on the roof of the Owner's residential home at 705 S. Center Street, which is Block 6602, Lot 37 on the City of Orange Township Tax Map ("subject property"); and

**WHEREAS**, the Commission received and reviewed the Application dated April 11, 2023 together with were seven (7) color photographs depicting the front of the house, back of the house, the side of the house, the tree and the roof, as well as a "Design Overview" which depicted the proposed layout of the solar panels on the rear roof. Also included was a letter dated March 4, 2023 from Michael S. Rezk, P.E., N.J. license # GE#56261, stating that the existing roof will adequately support the additional loading imposed by the solar system with the racking and mounting as specified. The letter was signed and sealed by Mr. Rezk.

**WHEREAS**, also included with the Application was a plan set prepared by Momentum Solar of South Plainfield, New Jersey, also signed and sealed by Mr. Rezk, dated April 6, 2023, consisting of five (5) sheets including the Cover Page PV-1, sheet PV-1.1 (Attachment Details), PV-2 (Panel Layout), PV-3 (Electrical), and PV-4 (Equipment Labels), all of which was consistent with the Application and Mr. Rezk's letter. The OHPC relies on the Engineer's recitation regarding structural support and capacity of the roof in his letter and representations; and

**WHEREAS**, the Technical Review Committee of the Commission listened to the sworn testimony presented by Alexis Catalano of Momentum Solar on behalf of the Owner at the presentation of the Application during the public hearings on May 17, 2023; and

**WHEREAS**, the Application was the subject of public notice by virtue of the publication of the agenda of the Orange 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 Technical Review Committee of the Commission reviewed the Application, color photographs, letter of Michael S. Rezk, P.E. and plan set and voted to recommend to the Commission that it grant approval in reliance upon the representations made in the Application, together with the sworn testimony and representations of the Alexis Catalano of Momentum Solar, in the public hearing on the presentation of the Application; and

**WHEREAS**, the Commission, after carefully considering the recommendation of the Technical Review Committee, 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. Alfonzo & Bettye Williams, the owners of the subject property located at 705 S. Center Street, City of Orange Township, designated at Block 6602, Lot 37 on the City of Orange Township Tax Map, were represented at the hearing on this Application by a representative of Momentum Solar, Alexis Catalano.
- B. The Application dated April 11, 2023 was signed by the owners Alfonzo and Bettye Williams and submitted by Alexis Catalano for Momentum Solar for the purpose of placing seventeen (17) solar panels on the rear roof of the home on the subject property.
- C. Accompanying the Application were seven (7) color photographs depicting the front of the house, back of the house, the side of the house, trees and the roof, as well as a "Design Overview" which depicted the proposed layout of the solar panels on the rear roof. Also included was a letter dated March 4, 2023 from Michael S. Rezk, P.E., N.J. license # GE#56261, stating that the existing roof will adequately support the additional loading imposed by the solar system with the racking and mounting as specified. The letter was signed and sealed by Mr. Rezk.
- D. Also included with the Application was a plan set prepared by Momentum Solar of South Plainfield, New Jersey, also signed and sealed by Mr. Rezk, dated April 6, 2023, consisting of five (5) sheets including the Cover Page PV-1, sheet PV-1.1 (Attachment Details), PV-2 (Panel Layout), PV-3 (Electrical), and PV-4 (Equipment Labels), all of which was consistent with the Application and Mr. Rezk's letter. The OHPC relies on the Engineer's recitation regarding structural support and capacity of the roof in his letter and representations.
- E. Based on the representations in the sworn testimony by Alexis Catalano representing Momentum Solar, specifically, that the rear roof panels will not be visible from any public street, and the representations in the Application and supporting materials, the color photographs showing all relevant elevations, and the plan set consisting of those pages previously described in Para. D above including the Panel Layout in sheet PV-2, the Orange Historic Preservation Commission approves the recommendations of the Technical Review Committee and grants the Application for a Certificate of Appropriateness on the following conditions.
- F. The Owner's Application stated that, "Solar panels are being installed on roof of house, tree limbs removed from trees in front of house getting the solar panels." It is not clear what this statements means, and the subject of the tree limbs was not explored at the OHPC meeting. However, as a condition of approval, **no trees will be, or may be, removed and or significantly pruned in the process of installing the solar system, nor is tree removal allowed to avoid shade. If Momentum Solar has any question about this condition of the permit approval, it must contact the Clerk of the OHPC before cutting or pruning any tree limbs.**
- G. The Commission finds that the installation of the solar panels and mounting system, per plan set and the PV-2 panel layout plan sheet, together with the color photographs as evidence, will not adversely affect the integrity of the historic district or the home and property, 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 is warranted.

## II. CONCLUSIONS OF LAW

- A. The approval of the Certificate of Appropriateness is specifically based upon the Application itself signed by the owner, the color photographs, the plan set submitted, Engineer's letter, and the representations by the representative from Momentum Solar. The Application, plans, photographs, attachments form the basis of the approval, and are incorporated herein as if fully repeated.
- B. 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.
- C. The Commission found that the Owner and Applicant demonstrated that the relief sought in the Application is warranted, and that a Certificate of Appropriateness shall issue for the installation of the solar panels per the plan set prepared by Momentum Solar dated April 6, 2023.
- D. No changes or deviations may be made to the proposed design and installation of the solar panels on the roof exterior in the field during installation, as approved per the revised plan set. Installation of the solar panels and related equipment must be strictly in accord with and as depicted on the plan set. Changes to the approved plans must be approved in advance by the OHPC.
- E. This is not a zoning approval. The OHPC does not examine applications with respect to either zoning or use including bulk variances such as setbacks. 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, 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 Sub-code, and the N.J. Barrier Free Sub-code.

### **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 E, 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 MOTION OF TECHNICAL REVIEW COMMITTEE TO APPROVE:**

	Yea	Nay	Absent	Abstain
Keith Carroll			X	
Kathy Dowd	X			
Jody Leight	X			

Brandon Matthews			X	
Janice Morrell	X			
Troy Simmons			X	
Abdiel Velez			X	
Karen Wells			X	

MEMORIALIZATION:

This Resolution of the OHPC adopted this 21 day of June, 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:

	<b>Yea</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
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 June 21, 2023.

Adopted:

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

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 Troy Simmons  
 Chair