

# CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: July 17, 2024

NUMBER: 4-2024

## **A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION GRANTING CERTIFICATE OF APPROPRIATENESS FOR 611-617 SCOTLAND ROAD AND 517-519 BEACH STREET IN THE CITY OF ORANGE TOWNSHIP, N.J., WHICH IS BLOCK 6105, LOTS 2, 3, 4 AND 5 ON THE CITY OF ORANGE TOWNSHIP TAX MAP, FOR DEMOLITION OF EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES AND NEW CONSTRUCTION OF A SIX-STORY MULTI-FAMILY DWELLING BUILDING**

WHEREAS, the Owners of the affected properties and Applicant Scotland Ventures, LLC submitted an Application for a Certificate of Appropriateness seeking approval to demolish residential detached dwellings, a laundromat and a Family Dollar store and to construct a six-story multi-family apartment building with seventy-eight (78) apartments with a basement and parking on the first floor for fifty-seven (57) vehicles, in the Orange Valley Historic District, which properties are Block 6105, Lots 2, 3, 4, and 5 on the City of Orange Township Tax Map; and

WHEREAS, the Commission having received and reviewed the Application dated and signed on February 29, 2024, and accompanying materials including a civil site plan set prepared by Adnan A. Khan, P.E., C.M.E., of AWZ Engineering, Inc. dated Nov. 11, 2022, consisting of sheet C-01 (Cover Sheet) and C-01 (Site Demo Plan), sheet C-02 (Site Dev. Plan Ground Floor), sheet C-03 (site Dev. Plan Mezzanine), sheet C-04 (Grading and Utility Plan Ground Floor), sheet C-05 (Grading Plan Mezzanine), sheet C-06 (Landscape and Lighting Plan Ground Floor), sheet C-07 (Lighting Plan Mezzanine), sheets C-08 and C-09 (Construction Details), sheet S-01 (SESC Plan), and S-02 (SESC Notes and Details); an architectural plan set prepared by Dennis M. Devino, R.A., of Devino Aiello and Assoc., Jersey City, N.J. dated Nov. 10, 2022; a topographic survey map prepared by Rodolfo Pierri, P.L.S. of V4 Land Surveying, PLLC dated Nov. 10, 2022, and several black and white photographs of the existing structures to be demolished and surrounding area; and

WHEREAS, the Commission listened to the testimony presented by architect Antonio Aiello AIA in favor of the Application after he was sworn and after the attorney for the project, Jodi M. Luciani, Esq., Connell Foley, made a brief presentation, during the public hearings on June 19, 2024 in favor of the Application; 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 plan set and is granting approval in reliance upon the representations made in the Application, together with the sworn testimony and representations of the Architect who testified on behalf of Applicant, Scotland Ventures, LLC 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 Architect, Antonio Aiello AIA, of Devino Aiello and Assoc., Jersey City, N.J. represented the Applicant Scotland Ventures, LLC and was sworn and testified that that Applicant Scotland Ventures, LLC submitted an Application for a Certificate of Appropriateness seeking approval to demolish residential detached dwellings, a laundromat and a Family Dollar store and to construct a six-story multi-family apartment building with seventy-eight (78) apartments with a basement and parking on the first floor for fifty-seven (58) vehicles at the corner of Scotland Road and Beach Street, in the Orange Valley Historic District, which properties are Block 6105, Lots 2, 3, 4, and 5 on the City of Orange Township Tax Map;
- B. None of the owners of the properties to be demolished (Patrick Adams, Franklin and Robert Caputo, Clarence Drewey, and Romanus Ihuoma) appeared at the hearing on the Application however, they signed Owner Consent forms which were appended to the Application for a Certificate of Appropriateness;
- C. Mr. Aiello described the buildings and showed renderings which were marked as Exhibit A-1, including a stone band on the ground floor with stucco and Hardie plank on the upper floors, a lounge and fitness area on the second floor, and residential units on the third through sixth stories, with a stepped back area at the fifth and sixth floors to reduce the scale and mass, and the use of different materials to break up the massing, recessed openings and balconies, with a tripartite colourway, mainly gray and white, and an open façade with many windows;
- D. Applicant's Attorney made clear that this project had already received preliminary and final site plan approval, and that any exterior changes may require revisiting those approvals, and that "this [HPC] review should have been done two years ago;"
- E. The Commission members expressed disappointment at the design, pointing out that there was no ornamentation, no articulation, and that it looked stark, like a warehouse or a jail, that in terms of aesthetics, it fell short, that it did not comply with the Design Guidelines for new construction, that colours chosen looked like a "flip," to which Mr. Aiello replied that they are "safe" and "neutral," that there needs to be more pronounced stepping back of the upper floors of the building, which the Applicant said would affect space for occupancy, and that even the cornice in the front was plain and flat unlike other historic properties in the Orange Valley Historic District and that the cornice needed articulation around the top/front, to which the Applicant's Attorney said he would ask the City whether any changes could be made in the façade design;
- F. The Commission inquired about green space, and Mr. Aiello replied that there is a back terrace behind the fence with a tenant-usable deck area;
- G. The Commission inquired as to whether there were commercial spaces on the ground floor, and there are none;
- H. The Commission inquired as to whether this was planned for market-rate housing, and Mr. Aiello stated that it was.
- I. At the public hearing portion of the meeting, there were no comments from the public.
- J. Based on the testimony provided, the Commission agreed that the request for a Certificate of Appropriateness, per the plans provided, was warranted based upon the Application, sworn testimony and representations at the public hearing on the Application and other materials submitted, although the Commission requested that the Applicant consider using different materials, and to re-consider the arrangement of materials, design, decoration, articulation and colors selected.

## **II. CONCLUSIONS OF LAW**

- A. The Commission agreed that the request to demolish the existing structures and construct a new six-story apartment building with parking on the ground floor for 58 spaces despite their misgivings and criticism of the design, colors selected and lack of articulation and decoration, would advance the goals of the Orange Valley Historic District, the City's Master Plan, the zone plan and ordinance, and the Municipal Land Use Law.

- B. The Commission found that the Applicant demonstrated by virtue of the Application, testimony, plan set and other information that the relief sought in the Application was warranted, and that a Certificate of Appropriateness shall issue for the project as described above.
- C. Therefore, it is appropriate that the Historic Preservation Commission hereby APPROVES the issuance of a CERTIFICATE OF APPROPRIATENESS to the Applicant and Owners to demolish the existing structures and construct a new six-story apartment building with parking on the ground floor for 58 spaces and a terrace of green space in the rear.

**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 J, 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	_____	_____	_____ <u>x</u> _____
Kathy Dowd	_____ <u>x</u> _____	_____	_____
Jody Leight	_____ <u>x</u> _____	_____	_____
Brandon Matthews	_____	_____	_____ <u>x</u> _____
Janice Morrell	_____ <u>  </u> _____	_____	_____ <u>x</u> _____
Troy Simmons	_____ <u>x</u> _____	_____	_____
Abdiel Velez	_____	_____	_____ <u>x</u> _____
Karen Wells	_____ <u>x</u> _____	_____	_____

**MEMORIALIZATION:**

This Resolution adopted this 17th day of July, 2024 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	_____	_____	_____

Yes                      No                      Absent

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 July 17, 2024.

Adopted: July 17, 2024

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

\_\_\_\_\_  
Troy Simmons  
Chair