

§ 25-30. HISTORIC PRESERVATION COMMISSION.

§ 25-30.1. General Provisions. [Ord. No. 2357-12 § 25-30.1]

a. Purpose. The purpose of this section is to promote the educational, cultural, economic and general welfare of the Township through the preservation of historic buildings, structures, sites, objects, and districts of historic interest, through the development and maintenance of appropriate settings for such places, and through collateral activities, to document and to promote the public enjoyment of such places, which impart to residents and visitors alike a distinct aspect of the Township and which serve as visible reminders of the historical and cultural heritage of the Township, the State and the Nation.

b. Definitions. As used in this section:

ADMINISTRATIVE OFFICER — Shall mean the Director of Planning and Development.

COMMISSION — Shall mean the West Orange Historic Preservation Commission.

HISTORIC DISTRICT — Shall mean one or more historic sites, buildings, structures or objects and contiguous or surrounding property significantly affecting or affected by the quality and character of such sites, buildings, structures or objects.

A TYPE I HISTORIC DISTRICT — Shall mean one in which 50% or more of the individual buildings or structures comprising the District are more than 50 years of age.

A TYPE II HISTORIC DISTRICT — Shall mean one in which less than 50% of the individual buildings or structures comprising the District are more than 50 years of age.

HISTORIC PROPERTY OR HISTORIC RESOURCE — Shall mean a district, site, building, structure or object significant in American history, architecture, engineering, archaeology or culture at the national, State, County or local level.

INTEGRITY — Shall mean the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY — Shall mean a list of Historic Properties determined to meet specified criteria of significance.

LANDMARK — Shall mean any real property, manmade structure, natural object or configuration or any portion or group of the foregoing which have been formally designated in the Master Plan as being of historic, archaeological, cultural, scenic, or architectural significance.

NATIONAL REGISTER CRITERIA — Shall mean the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

PRESERVATION — Shall mean the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROTECTION — Shall mean the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, erosion, loss or attack, or to cover or shield the property from danger or injury.

RECONSTRUCTION — Shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specified period of time.

REHABILITATION — Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

RESTORATION — Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

§ 25-30.2. Historic Preservation Commission. [Ord. No. 2357-12 § 25-30.2; Ord. No. 2359-12]

- a. Establishment/Membership. There is hereby established an Historic Preservation Commission to be appointed pursuant to statute by the Mayor. The Commission shall consist of seven regular members and two alternate members who shall serve without compensation, and who shall be interested in and able to contribute to the preservation of historic districts, sites, buildings, structures, and objects. At the time of appointment, members shall be designated by the following classes: **[Amended 4-14-2020 by Ord. No. 2598-20]**
1. Class A: A person who is knowledgeable in building design and construction or architectural history and who may reside inside or outside the Township. To the extent available in the community, the Mayor shall appoint professional members who meet the professional qualifications set forth for the disciplines of architecture, historic architecture, or architectural history in Subsection 25-30.5.
 2. Class B: A person who is knowledgeable, or with a demonstrated interest in, local history and who may reside inside or outside the Township. To the extent available in the community, the Mayor shall appoint professional members who meet the professional qualifications set forth for the discipline of history in Subsection 25-30.5.
 3. Class C: Residents of the Township who shall hold no other municipal office, position or employment except for membership on the Planning Board or the

Zoning Board of Adjustment.

At least one member shall be designated in Class A, and one member in Class B. Of the seven regular members, at least three members shall be of Classes A and B. At least one resident of an Historic District shall be appointed to the Commission. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2," and shall meet the qualifications of Class C members.

A member of the Main Street Development Corporation shall be designated as liaison between the Commission and the Corporation, and shall be an ex-officio member of the Commission.

A member of the Township Council shall be designated as liaison between the Commission and the Township Council and shall be an ex-officio nonvoting member of the Commission.

- b. Terms. The term of a regular member shall be four years and the term of an alternate member shall be two years. Notwithstanding any other provision herein, the term of any member common to the Commission and the Planning Board shall be for the term of membership on the Planning Board, the term of any member common to the Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment; and the term of any member common to the Commission and the Main Street Development Corporation shall be for the term of membership on the Main Street Development Corporation. The terms of the members first appointed pursuant to N.J.S.A. 40:55D-107 shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and the initial term of no alternate member shall exceed two years. The term of the Township Council liaison shall be for one calendar year with appointment made by the Council at the Council's annual reorganization meeting.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. **[Amended 4-14-2020 by Ord. No. 2598-20]**

- c. Conflicts of Interest. No member of the Commission shall be permitted to participate in or vote on any matter in which (s)he has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere residence in a designated Historic District and/or ownership of a designated Historic Landmark shall not be deemed a personal or financial interest.
- d. Vacancies. A vacancy occurring otherwise than by expiration of term shall be filled within 45 days by appointment as above provided for the unexpired term only.

- e. Removal. A member of the Commission may, after public hearing if (s)he requests it, be removed by the Mayor and Township Council for cause.
- f. Organization of Board. The Commission shall adopt written rules and procedures for the transaction of its business, subject to the following:
 - 1. The Commission shall elect from its members a Chairperson and a Vice Chairperson.
 - 2. A quorum for the transaction of all business shall be four members.
 - 3. All Commission minutes and records are public records and all Commission meetings shall comply with the Open Public Meetings Act [**N.J.S.A. 10:4-7, et seq.**]
 - 4. The Commission shall employ, designate or elect a Secretary who need not be a member of the Commission. The Secretary shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be made public record.
 - 5. Commission meetings shall be scheduled at least once every month or as often as required to fulfill its obligation to advise the Mayor, Planning Board, Zoning Board, Township Council or Administrative Officer.
 - 6. The office of any member who shall be absent from three consecutive meetings of the Commission without just cause may be deemed vacant at the discretion of the Mayor, and his or her membership on the Historic Preservation Commission terminated. If the Commission determines that a member is absent from any meeting without just cause, it shall be duly noted in the minutes of that meeting, and it shall be the duty of the Chairperson to so notify that member in writing. The mailing of the minutes of a particular meeting to the Commission members shall constitute written notice to each member.
- g. Expenses, Experts and Staff.
 - 1. The Mayor and Township Council shall make provisions in the budget and appropriate funds for the expenses of the Commission. The Commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. Expenditures shall not exceed, exclusive of gifts or grants, the amount appropriated by the Mayor and Township Council for the Commission's use.
 - 2. The Commission shall employ an Historic Preservation Officer who is a professional in the field of architectural history, historic preservation or similar discipline, to coordinate its activities, and to advise the Commission on applications before it.
 - 3. The Director of Planning and Development, the Construction Official, the

Township Engineer, and all other departments of the Township government shall provide such technical assistance as the Historic Preservation Commission and Officer may require.

4. The Commission shall obtain its legal counsel from the Township Attorney at the rate of compensation determined by the Township Council.

h. Powers and Duties.

1. Meetings. The Historic Preservation Commission shall establish a regular schedule of meetings on at least a monthly basis. Additional meetings may be called by the Chairperson or Vice Chairperson when the regular meetings are inadequate to meet the needs of its business, to handle emergencies, or to meet time constraints imposed by the law.
2. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:
 - (a) To identify, record and maintain a system for survey and inventory of all districts, buildings, sites, structures and objects of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Standards and Guidelines for Identification), as amended and/or supplemented. The survey and inventory of Historic Resources shall be compatible and coordinated with the Office of New Jersey Heritage's statewide inventory. The survey material shall be reviewed and, if necessary, updated at least every other year to incorporate any newly acquired historical documentation and to reflect changes to a resource's integrity or condition. The inventory shall be used as a basis for identifying properties in the Township worthy of designation as Historic Landmarks and Districts.
 - (b) To recommend to the Planning Board and the Township Council the establishment and boundaries of Historic Districts and Landmarks where appropriate. The procedures and criteria for designation of Historic Districts and Landmarks are set forth in Subsection 25-30.3.
 - (c) To conduct research on and to nominate significant resources to the State and National Registers of Historic Places. If the Township is certified under the State's Certified Local Government (CLG) Program, the Commission shall, in accordance with the State's CLG Guidelines, review and comment on all State and National Register nominations for Historic Resources within the Township.
 - (d) To review all actions for issuance of permits or Certificates of Appropriateness pertaining to regulated activities and provide written reports to the Construction Official or Administrative Officer on the application of the zoning ordinance provisions concerning historic preservation pursuant to N.J.S.A. 40:55D-111.

- (e) To prepare and distribute a Design Guidelines Handbook to be utilized for application review and to foster appropriate rehabilitation of Landmarks and Historic Districts.
- (f) To advise the Planning Board and the Zoning Board of Adjustment on applications for development which may affect Historic Districts or Landmarks pursuant to N.J.S.A. 40:55D-110, including but not limited to subdivision and demolition applications.
- (g) To make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
- (h) To advise the Planning Board on the inclusions of Historic Sites and Landmarks in the recommended capital improvement program.
- (i) To advise the Township Council and Planning Board on the relative merits of proposals involving public funds to restore, preserve and protect historic buildings, places and structures, including the preparation of long-range plans therefor, the securing of State, Federal and other grants and aid to assist therein, and the monitoring of such projects once underway.
- (j) To advise and assist Township officers, employees, boards and other bodies, including those at County, State and Federal levels, on all matters which have potential impact on the historic buildings, places and structures in the Township or on the physical character and ambiance of an historic district.
- (k) To cooperate with local, County, State or national historical societies, government bodies and organizations to maximize their contributions to the intent and purpose of this section.
- (l) It is recognized that certain elements of design, construction and materials important to proper historic preservation may not be consistent with current building codes or with zoning and similar regulations. Some instances may be unique to a certain building or situation, others may be more common. Accordingly, the Commission shall, when it considers it to be appropriate, draft and recommend to the Mayor, Township Council and Planning or Zoning Board ordinances or amendments to existing ordinances that would resolve such conflicts, institute or support action, where applicable, to obtain specific relief from the Zoning Board of Adjustment or Planning Board, to take such other steps as it finds appropriate in the circumstances.
- (m) To secure the voluntary assistance of the public, and within the limits of the budget, to retain consultants and experts to assist the Commission in its work or to provide testimony in support of the Commission's position before other bodies, boards, commissions or courts.

- (n) To aid the public in understanding the worth of Historic Resources, and to provide technical assistance to property owners on how to preserve, restore and rehabilitate structures, and to advise property owners upon their request as to the accuracy or appropriateness of historic restoration or rehabilitation, including but not limited to materials, fenestration, architectural detail, environment and color.
- (o) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Township, including the preparation of publications, the placing of markers, and the collection and dissemination of materials on the importance of and techniques for historic preservation.
- (p) To assemble and arrange for the proper care, cataloguing and availability of materials relevant to the Township's history.
- (q) To request the Mayor and Township Council to seek, on its own motion or otherwise, injunctive relief of violations of this section or other actions contrary to the intent and purposes of this section.

3. Referrals.

- (a) Every application involving a property listed in "The Historic Sites Survey," prepared by Robert Guter, dated July 1, 1992, to the West Orange Land Use Boards, either the Planning Board or the Board of Adjustment, shall be referred to the West Orange Historic Preservation Commission for its consideration and review to determine if any of the criteria for historic district or historic landmark designation be present and justify further review to consider the appropriateness of preservation.
- (b) The Historic Preservation Commission shall complete its review of every application within 35 days of its referral to the HPC and shall present its written evaluation to the referring Board and to the Director of Planning within 10 days of the completion of its review.
- (c) The properties listed in "The Historic Sites Survey," whether formally designated as historic or not, have been found to meet one or more elements or criteria for landmark or historic site treatment. A copy of that Survey, consisting of three volumes, is located in the Township's Planning Department, as well as at the Township's Public Library. That Survey shall be incorporated herein by reference and the West Orange Historic Preservation Commission shall be responsible for updating and maintaining the index for the entire Survey to identify the properties cited in it by street address as well as lot and block designation.

**§ 25-30.3. Historic District and Landmark Designation. [Ord. No. 2357-12
§ 25-30.3]**

The purpose of this subsection is to provide the means of designating Historic Districts

and Landmarks in the Township of West Orange that are worthy of preservation.

- a. Procedures. At such time as the Historic Preservation Commission chooses to recommend amendment of the Master Plan and Zoning Map to designate a building, site, structure, object or district as an Historic Landmark or District, the procedures outlined below shall be followed:
 1. For each Landmark or District, the Commission shall prepare a report of its recommendations. For Historic District nomination, the report shall include: a statement describing it as a Type I or Type II District; an inventory of all buildings or structures within the proposed District, including the age of each, accompanied by black and white photographs of each; a property map of the District showing boundaries; a physical description and statement of significance as per the nomination standards for the National Register of Historic Places. For Historic Landmark nomination, the report shall include: a black and white photograph, a tax map of the property, and a physical description and statement of significance as per the nomination standards for the National Register of Historic Places. Nothing herein shall prevent a particular building or structure that is less than 50 years of age at the time of a District designation from being regulated as historic at a later date provided that the provisions of this ordinance are followed.
 2. The Historic Preservation Commission shall conduct a public hearing on its proposed recommendations, at which time interested persons shall be entitled to present their opinions, suggestions, and objections on the proposed recommendations for Landmark or District designation. Since the function of the Historic Preservation Commission with respect to designation is advisory only, it is intended that the public hearing be informal, without the need for transcription of minutes or testimony under oath.
 3. A copy of the Commission report shall be made available for public inspection at least 30 days prior to the hearing.
 4. Notice of the hearing shall be given at least 30 days prior to the date of the hearing by publication in the official newspaper of the Township or in a newspaper of general circulation in the Township, and by certified mail and regular mail to the owners of record of real property within the area being considered for District designation and to the owner of record of real property being considered for Landmark designation. The notice shall state the date, time, and place of the hearing; the nature of the matters to be considered; identification of the property(ies) proposed for designation by street address and by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's Office; the significance and consequences of such designation; and the location and times at which the Commission report is available for public inspection.
 5. Within 30 days following the public hearing on the proposed Landmark or District, the Commission shall make revisions to its report as it deems appropriate based on its consideration of the comments and suggestions made

at the public hearing, and shall forward its final report, including its recommendations, to the Planning Board, Administrative Officer, Mayor and Township Council for their consideration in amending and supplementing the Township's Master Plan and Zoning Map. Such further action as shall be taken for designation of an Historic Landmark or District shall be subject to those statutory procedures which apply to the change of a zoning designation and the adoption, revision, or amendment of any development regulation.

6. To the extent not contrary to the statutory procedures mandated by the Municipal Land Use Law, the Commission's report shall be acted upon by the Planning Board with respect to its adoption or amendment of the Master Plan or component parts thereof, including the adoption of any resolution, within 90 days of receipt of the Commission's final report.
 7. To the extent not contrary to the statutory procedures mandated by the Municipal Land Use Law, the Commission's report shall be acted upon by the Township Council with respect to its adoption or amendment of the Zoning Ordinance, or any part thereof, including the adoption of the Ordinance, within 90 days of receipt of the Commission's final report, during which time, and from the time of the Commission's publication of its initial report, there shall be no alterations or improvements made to the Landmark or District sought to be designated in a manner which would be prohibited if such property(ies) were to be designated.
 8. Copies of the list of designated Historic Districts and Landmarks shall be made public and distributed to all municipal agencies reviewing development applications, building permits and housing permits.
- b. Criteria for Designation. The historic inventory and survey shall be used as a basis for identifying properties worthy of designation as Historic Landmarks and Districts. The criteria for evaluating and designating Historic Landmarks and Districts shall be in accordance with the National Register Criteria, which are as follows:
1. The quality of significant in American history, architecture, archeology, engineering, and culture is present in districts, landmarks, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and;
 - (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - (b) That are associated with the lives of persons significant in our past; or
 - (c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) That have yielded, or may be likely to yield, information important in

prehistory or history.

- c. Designated Landmarks. The following sites have been designated as Historic Landmarks:
 - 1. Block 39, Lot 56 (29 South Valley Road).
 - 2. Block 39, Lot 61.01 (21 South Valley Road).
 - 3. Block 60, Lot 2 (13 Main Street).
 - 4. Block 66, Lot 1 (177 Main Street).
 - 5. Block 89, Lot 68 (Llewellyn Park Gate House).
 - 6. Block 115, Lot 30.01 (Edison National Historic Site).
 - 7. Block 177.08, Lot 20 (695 Eagle Rock Avenue).
 - 8. Block 177.12, Lot 60 (757 Eagle Rock Avenue).

§ 25-30.4. Review by Historic Preservation Commission. [Ord. No. 2357-12 § 25-30.4]

- a. Purpose. To accomplish the purposes of this section, the Township has adopted provisions for design review, intended to:
 - 1. Encourage the continued use of historic landmarks and facilitate their appropriate reuse;
 - 2. Maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, objects, or districts within the Township;
 - 3. Foster beautification and both private and public reinvestment;
 - 4. Manage change by preventing alteration or new construction not in keeping with a historic character of Landmarks or Districts;
 - 5. Discourage the unnecessary demolition of historic resources;
 - 6. Recognize the importance of historic properties by using property owners and tenants to maintain their properties in keeping with the requirements and standards of this section;
 - 7. Encourage the proper maintenance and preservation of historic settings and landscapes.
- b. Regulated Activities.
 - 1. For purposes of this section, regulated activities on a Historic Landmark or within a Historic District shall include the following:

- (a) Demolition of any Historic Landmark or an improvement within a Historic District.
 - (b) Relocation of any building, structure or improvement.
 - (c) Change in the exterior appearance of any building, structure or improvement by addition, rehabilitation, removal, reconstruction, alteration, replacement, maintenance, or cosmetic changes.
 - (d) Any addition or new construction of an improvement.
 - (e) Replacement, changes in, or addition of signs, shutters, outdoor displays, fences and hedges, street furniture, awnings, off-street driveway and parking materials, or exterior lighting.
 - (f) Installation or replacement of sidewalks, porches, fire escapes, solar panels, and satellite dish antennas.
2. In no instance shall the following be considered regulated activities:
- (a) Changes to the interior of structures that do not affect the exterior appearance.
 - (b) Ordinary repairs and maintenance wherein the cost of such repairs is less than \$500 and the repairs in question constitute an exact replacement of existing architectural details that are otherwise permitted by law, provided this work does not alter in any way the exterior appearance of the Historic Resource.
- c. Certificates of Appropriateness.
- 1. No person or other legal entity shall hereafter engage or cause other persons to engage in any regulated activity on an historic site or within an Historic District as defined herein unless and until such person or entity shall have applied for and received a Certificate of Appropriateness from the Historic Preservation Commission. A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before any permit can be issued by the Construction Official/Zoning Officer. Specifically exempted from this requirement are properties or structures in Type II Historic Districts which are zoned R-1 through R-6 or RT and which are less than 50 years of age.
 - 2. It shall be the duty and responsibility of the Construction Official/Zoning Officer to refer to the Commission all applications for issuance of permits or Certificates of Appropriateness pertaining to regulated activities on a Landmark or within an Historic District, for a written report on the application of the zoning regulations provisions concerning historic preservation to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development, by a municipal agency, pursuant to the "Municipal Land Use Law," P.L. 1975 c. 291. The Commission shall

submit its report to the Administrative Officer within 45 days of its referral to the Commission. If within the forty-five-day period the Commission recommends against the issuance of a Certificate of Appropriateness or permit, or recommends conditions to its issuance, the Administrative Officer shall cause the Construction Official/Zoning Officer to deny issuance of the permit or Certificate of Appropriateness, or to include the conditions. If the Commission recommends approval, a Certificate of Appropriateness shall be issued. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit or Certificate of Appropriateness, and without the recommendation of conditions.

3. Applications for development which are in a designated Historic District or Landmark and which require approval by the Planning Board or Zoning Board of Adjustment shall be referred by the Administrative Officer directly to the appropriate Board. The Board shall forward a copy of the complete application for the Historic Preservation Commission at least 15 days prior to the hearing. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application, and to explain any written report which may have been submitted.
- d. Informational Meetings. Persons considering action that may require a Certificate of Appropriateness, as set forth above, even if they are in doubt as to whether such is required, are encouraged to request in writing an informal "Informational Meeting" with the Historic Preservation Commission. Written requests for such informational meetings can be made to the Construction Official/Zoning Officer, to the Administrative Officer, to any other Township official or to the Commission. The Commission shall hold such informational meetings within 35 days of receipt of such written request. The purpose of an informational meeting is to inform the persons of the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness, if such is required. Preliminary drawings may also be submitted to the Historic Preservation Commission for review and comment before proceeding with final plans, even if an informational meeting is not requested.
- e. Application Procedures.
1. Applications for Certificates of Appropriateness for other actions of the Board shall be made on forms available in the office of the Historic Preservation Officer, the Construction Official/Zoning Officer, or the Township Planner. Applications shall be made by legal or equitable owners of the property. Completed applications shall be delivered or mailed to the Commission in Township Hall.
 2. The contents of the application shall consist of the following:
 - (a) When the application is for exterior repairs replacing deteriorated architectural features to match existing materials, textures, and

dimensions, the application shall be accompanied by current photographs of the building showing the area to be repaired and a written description of the work (for example, a builder's estimate or an architect's scope of work).

- (b) When the application is for exterior architectural changes replacing existing architectural features with new materials, textures, or dimensions that do not match existing materials, textures, or dimensions, such as replacement windows, siding, etc., the application shall be accompanied by current photographs of the building showing features to be replaced, a written description of the work (for example, a builder's estimate or an architect's scope of work), and material specifications (architect's technical specification or manufacturer's literature describing the replacement materials).
- (c) When the application is for the addition of new exterior architectural elements, such as a porch, deck, railing, window, bay, wing, story, roof, etc., or for adding a new building to the site, the application shall be accompanied by current photographs of the property, a written description of the work (for example, a builder's estimate or an architect's scope of work), material specifications (architect's technical specification or manufacturer's literature describing the replacement materials), and architectural drawings (plans, evaluations, site plan, etc.).
- (d) When the application is for restoration or rehabilitation of the building to an earlier historic appearance, in addition to the material described above for the type of work involved, the application shall be accompanied by historical documentation (description of physical architectural evidence, historic photographs, and documentary evidence) to support the restoration or rehabilitation decisions.
- (e) Additionally, the applicant shall submit such photographs, diagrams, architectural drawings, specifications, or other materials sufficient to adequately inform the Historic Preservation Commission of the nature of the work for which the application is made. The Historic Preservation Officer, based on a publicly available check list, shall determine if the information is sufficient to constitute a complete application, and if the application is incomplete shall so notify the applicant within 15 days.

f. Commission Review.

1. The Commission shall review complete applications for Certificates of Appropriateness at a public meeting. In addition to complying with requirements of the Open Public Meetings Act, and except in the event of an emergency, at least 15 days prior to such meeting, the Commission shall give notice of the time, date, place and subject of the meeting, which notice shall be given in writing to the applicant.

The applicant shall give at least 10 days' written notice of the time, date, place

and subject of the meeting in writing to each property owner of record within 200 feet of the subject property; provided, however that exempted from this requirement are properties or structures which are zoned R-1 through R-6 or RT.

In the case of an application for a permit to demolish or move a Historic Landmark or a structure or improvement in a Historic District, the applicant shall, in addition to the above and at least 10 days before the meeting, give notice of the time, date, location and purpose of the hearing to the agencies listed below by certified mail, return receipt requested, by regular mail, and by published notice in an official newspaper of the municipality; and shall present an affidavit attesting to such notification prior to commencement of the meeting:

- (a) West Orange Historical Society.
 - (b) West Orange Environmental Commission.
 - (c) Office of New Jersey Heritage, Department of Environmental Protection.
 - (d) Any other organization concerned with historic preservation, deemed by the Commission to be appropriate in this instance.
2. At the meeting wherein the Historic Preservation Commission intends to vote upon an application, individuals interested in the application shall be permitted to comment in person only upon the application under consideration.
 3. The Commission shall reach a decision on a complete application within 45 days of submission of the application or referral of same by the Construction Official/Zoning Officer. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission. The Commission may advise the applicant and make recommendations in regard to the appropriateness of the proposed action, and may grant approval upon such conditions as it deems appropriate within the intent and purposes of this section. An applicant shall not be required to appear or to be represented at the meeting for consideration of the application for a Certificate of Appropriateness.
 4. If an application is approved, the Commission shall forthwith issue a Certificate of Appropriateness. If the Commission disapproves an application, the Commission shall state its reasons in writing within 10 days of such decision. In case of disapproval, the Commission shall notify the applicant in writing of such disapproval and provide the applicant with a copy of the reasons.
 5. When a Certificate of Appropriateness has been issued, the Construction Official/Zoning Officer shall, from time to time, inspect the work approved by such Certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such Certificate or violating any ordinance of the Township.

The Commission shall also make inspections of work approved by such Certificate whenever it considers such to be desirable.

6. A Certificate of Appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are granted by the Commission. If a permit is also required for the action approved and is obtained prior to expiration of such two-year period, then the Certificate of Appropriateness shall be valid for the life of the permit and any extensions thereof.
- g. Design Standards.
1. Secretary of Interior's Standards. In carrying out all its duties and responsibilities, the Commission shall be guided by the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings which are given as follows:
 - (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimum alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - (b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - (c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
 - (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.
 - (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
 - (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
 - (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
2. Visual Compatibility Factors. In assessing the design of any proposed additions or new construction, the following Visual Compatibility Factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above, by the Historic Preservation Commission.
- (a) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 - (b) Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 - (c) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (d) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
 - (e) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (f) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (g) Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (h) Roof Shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

- (i) Walls of Continuity. Appurtenances of a building such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (j) Scale of Building. The size of a building, its mass in relation to open spaces, its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - (k) Directional Expression of Front Elevation. A building shall be visually compatible with building and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
 - (l) Exterior Features. A building's related exterior features such as lighting, fences, signs, sidewalks, driveways, and parking areas shall be compatible with the features of those buildings and places to which it is visually related, and shall be appropriate for the historic period for which the building is significant.
3. Subdivision. Notwithstanding the zoning regulations in this chapter applicable to proposed subdivisions, a designated historic property shall be subdivided only when:
- (a) The proposed subdivision would not adversely impact upon the architectural or historic character of the Landmark, its surrounding grounds, or the designated Historic District in which it is located.
 - (b) Denial of subdivision approval would result in undue economic or other hardship, after effecting any specific measures proposed to mitigate any adverse impacts, such as screening, buffering, and landscaping. This standard shall not be met merely because subdivision and development of the property would be more profitable than the present use.

If a proposed subdivision requires one or more variances from the zoning regulations in this chapter, the decision on such variance request(s) shall give specific consideration to the historic preservation considerations in this chapter. If a subdivision is approved consistent with this provision, all new construction on any resulting lot shall be subject to the requirements of the Secretary of Interior's Standards and Visual Compatibility Factors listed above, and the resulting lot on which is located the existing principal structure prior to subdivision shall be deemed a Landmark. All powers to be exercised pursuant to this subsection shall be within the jurisdiction of the Planning Board.

4. Demolition.
- (a) In regard to an application to demolish a Landmark, or any improvement

within a Historic District, the following matters shall be considered:

- (1) Its historic, architectural, cultural or scenic significance in relation to the criteria established in Subsection 25-30.3b.
 - (2) If it is within a Historic District, its significance to the District and the probable impact of its removal on the character and ambiance of the District, and the criteria which were the basis of the designation of the District.
 - (3) Its potential for use for those purposes currently permitted by the Zoning regulations.
 - (4) Its structural condition and the economic feasibility of alternatives to the proposal.
 - (5) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 - (6) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty and expense.
 - (7) The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, attracting tourists, attracting new residents, stimulating interest and study in architecture and design, or making the municipality an attractive and desirable place in which to live.
- (b) The Commission shall be empowered to assist the owner in developing plans to preserve the property when moving or demolition thereof would be a great loss to the Township. The Commission shall be empowered to negotiate with the applicant to see if an alternative to demolition can be found, and may request the applicant to prepare a "Financial Analysis" which may include any or all of the following:
- (1) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
 - (2) Assessed value of the land and improvements thereon according to the most recent assessment;
 - (3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record;
 - (4) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;

- (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any;
- (6) Any consideration by the owner as to profitable, adaptive uses for the property.

The Commission shall study the question of economic hardship for the applicant and shall determine whether the site or the property in the Historic District can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his existing building. The Commission may ask applicants for additional information to be used in making these determinations.

- 5. Moved Structures. In regard to an application to move a Historic Landmark or any building or structure in an Historic District to a new location, the following matters shall be considered:
 - (a) The impact that losing its original historic location would have on the building or structure, and, if the present location is within a Historic District, the impact on the Historic District as a whole.
 - (b) The reasons for not retaining the building or structure at its present site.
 - (c) The compatibility, nature, and character of the areas surrounding the current site and the proposed site, as they relate to the protection of interest and values referred to in this section.
 - (d) If the proposed new location is within a Historic District, visual compatibility factors as set forth in Subsection 25-30.4g.
 - (e) The probability of significant damage to the Landmark itself.
 - (f) If it is to be removed from West Orange Township, the proximity of the proposed new location to the Township, including the accessibility to the residents of the Township and other citizens.

h. Approvals/Denials.

- 1. Effect of Certificate of Appropriateness. Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this section. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested vis-a-vis the Landmark or structure in the Historic District.
- 2. Denial of a Certificate of Appropriateness. Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.

- i. Appeals.
 1. The granting or denial of a Certificate of Appropriateness may be appealed to the Zoning Board of Adjustment in the same manner as if the appeal were taken pursuant to N.J.S.A. 40:55D-70(a). The appellant shall pay all costs of the transcript. Nothing herein shall be deemed to limit the right of judicial review of the municipal action after an appeal is concluded by the municipal Zoning Board of Adjustment.
 2. Right to Sell During Appeal. Any appeal which may be taken to court from the decision of any municipal agency, whether instituted by the owner or any other proper party, shall not affect the right of the owner to make a bona fide offer to sell.
 3. Reconsideration of Denial of Certificate of Appropriateness. The Commission may refuse to reconsider for a period of one year any disapproval of an application, except in cases where an applicant reapplies within 90 days of such disapproval, with his application amended to comply with any recommendations which the Commission may have made in its written reasons for disapproval. The Commission may, however, reconsider at any time denial of a Certificate of Appropriateness for demolition if a significant change in circumstances has occurred.
- j. Emergencies. In the event that an Act of God or any other unexpected event shall cause a property owner the need for immediate emergency repairs to preserve the continued habitability of the property and/or the health and safety of its occupants or others, and where time will not permit the owner to obtain a Certificate of Appropriateness and a building permit prior to their undertaking, the property owner shall notify the Construction Official/Zoning Officer or the Administrative Officer, who shall request the Chairperson of the Commission to inspect the property, or assign a qualified member of the Commission to do so. The Commission Chairperson (or assigned member) shall determine the nature of the emergency, whether repair is feasible or, if not, the appropriateness of the replacement. The Chairperson may call upon qualified professional expertise to assist in this determination. The Chairperson shall provide a written report to the Construction Official/Zoning Officer or Administrative Officer so that a permit may be issued.
- k. Violations.
 1. Penalty.
 - (a) Any person or other legal entity violating any of the provisions of this section shall, upon conviction thereof, be subject to the penalties herein.
 - (b) If any person or other legal entity shall undertake any activity vis-a-vis a Landmark or improvement within a Historic District without first having obtained a Certificate of Appropriateness, such person or entity shall be deemed to be in violation of this section.

- (c) Upon learning of the violation, the Construction Official/Zoning Officer shall issue a notice of violation and orders to terminate in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq.
- (d) A separate and distinct offense shall be deemed committed on each day during or on which violation occurs or continues.
- (e) The penalty for violations shall be as follows:
 FOR EACH DAY, UP TO 10 DAYS — Not more than \$75 per day.
 FOR EACH DAY, 11 TO 25 DAYS — Not more than \$100 per day.
 FOR EACH DAY BEYOND 25 DAYS — Not more than \$125 per day.
- (f) If any person or other legal entity shall undertake any activity vis-a-vis a Landmark or improvement within a Historic District without first having obtained a Certificate of Appropriateness, (s)he shall be required to restore same.

2. Injunctive Relief. In the event that any action, which would permanently change adversely the Landmark or District, such as demolition or removal, is about to occur without a Certificate of Appropriateness having been issued, the Zoning Officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any Landmark.

1. Preventive Maintenance.

- 1. Recognizing the need for preventive maintenance to ensure the continued useful life of Landmarks and structures in Historic Districts, the Mayor and Township Council hereby declare that code enforcement vis-a-vis Landmarks and structures in Historic Districts is a high municipal priority.
- 2. In the event that any Landmark or improvement in an Historic District deteriorates to the point that, in the best estimate of the Building Department's Division of Inspections, the cost of correcting the outstanding code violations equals more than 25% of the cost of replacing the entire improvement on which the violations occur, the Division shall serve personally or by certified mail, return receipt requested, a notice on the owner of the property, listing the violations, the estimate for their abatement, and the replacement cost of the improvement, and stating that if the owner does not take all necessary remedial action within 90 days or such extensions as the Division shall for good cause grant, the Township Construction Official/Zoning Officer may, at the expiration of 90 days, enter upon the property and abate such violations itself and cause the cost thereof to become a lien on the property.
- 3. Upon receipt of such notice, the owner may, within 10 days after such receipt, notify the Division of Inspections of his/her wish to have a hearing as to the allegations and estimates set forth in the Division's notice. Such hearing shall be conducted by the Construction Official/Zoning Officer and shall, so far as

possible, be a formal adversary proceeding in which the Division of Inspections shall establish the matters alleged in the notice by a preponderance of the evidence.

4. If the owner does not request a hearing the procedures set forth in Subsection 2 above shall be binding. If a hearing is requested, the Construction Official/Zoning Officer will, within 10 days following the hearing, serve on the owner an opinion in writing setting forth his conclusions and the reasons therefor. Such opinion shall be deemed to be first notice pursuant to Subsection 2 above.
5. Thereafter, if the owner does not comply, the Division may enter onto the premises and, by use of municipal labor or outside contractors or both, perform such work as is necessary to abate all violations.
6. The head of the Division shall then certify to the Mayor and Township Council the cost of such work, plus all administrative, clerical and legal costs and overhead attributable thereto, and shall present the same to the Mayor and Township Council.
7. The Township Council may, by resolution, vote to cause the sum so certified to become a lien upon the Landmark or property, payable with the next quarter's real estate property taxes, and if not then paid, bearing interest at the same rate as delinquent taxes.

§ 25-30.5. Professional Qualification Standards. [Ord. No. 2357-12 § 25-30.5]

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

- a. History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:
 1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
- b. Archeology. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:
 1. At least one year of full-time professional experience or equivalent specialized training in archeology research, administration, or management;
 2. At least four months of supervised field and analytic experience in general North American archeology; and

3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

- c. Architectural History. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:
 1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- d. Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.
- e. Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:
 1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
 2. At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures, research reports, and preparation of plans and specifications for preservation projects.