

## **Chapter 15.32 HISTORIC PRESERVATION**

### **Sections:**

#### ***Article I. General Provisions***

##### **15.32.010 Short title.**

This chapter shall be known and may be cited as the "Borough of Glen Ridge Historic Preservation Ordinance."

##### **15.32.020 Purpose.**

- A. The borough council finds that Historic Districts and Historic Landmarks have a special character or a special historic or aesthetic interest or value and such Historic Districts or Historic Landmarks represent the finest architectural products of distinct periods in the history of the borough.
- B. The purpose of this chapter is:
  - (1) to identify and establish Historic Districts and Historic Landmarks within the boundaries of the borough;
  - (2) to conserve, Protect, enhance and perpetuate such Historic Landmarks and such Improvements within Historic Districts which represent or reflect elements of the borough's cultural, social, economic, political or architectural history;
  - (3) to stabilize and improve property values in identified Historic Districts;
  - (4) to foster civic pride in the beauty and noble accomplishments of the past;
  - (5) to promote the use of Historic Districts and Historic Landmarks for the education, pleasure and welfare of the people of the borough; and
  - (6) to assist Owners of Historic Landmarks and Owners of other property within Historic Districts in their efforts to preserve the historic character of such properties.
  - (7) to discourage the unnecessary total or partial Demolition, removal, or destruction of Historic Resources.

##### **15.32.030 Definitions.**

As used in this chapter, all words shall have the same meaning given to them by the zoning ordinance of the borough, except that the following terms shall mean and include:

"Addition" means the Construction of a new Structure onto part of an existing Structure; provided, however, the term "Addition" shall not include Construction of any Addition solely to the rear of a Structure not on a corner Lot unless such Addition is visible from the street.

"Alteration" means work done on an existing Structure which work is not an Addition to the existing Structure, but which changes the appearance of the exterior surface, specifically including (but not limited to) work involving windows, doors, siding, or roofing; provided, however, that the term Alteration shall not include:

1. Replacement In-Kind of asphalt shingle roofing; or
2. any Alteration solely to the rear of a Structure not on a corner Lot unless such Alteration is visible from the street.

"Application" means, as applicable, an application for a Certificate of Appropriateness and includes a Minor Application.

"Certificate of Appropriateness" means that document issued by the Commission which is required before any Addition, Alteration or Construction may be commenced on any Historic Landmark or on any building, Structure, Site, object or Improvement located within any Historic District.

"Commission" means the Historic Preservation Commission of the borough.

"Construction" means any work creating a new Structure or any Addition or Alteration which will change the appearance of the exterior surface of a Structure, specifically including (but not limited to) work involving roofing, windows, doors or siding; provided, however, that the term "Construction" shall not include any Addition or Alteration solely to the rear of a Structure not on a corner Lot unless such Addition or Alteration is visible from the street.

"Construction Code Official" means the officer in charge of granting building or Construction permits in the borough.

"Contributing" means any buildings, Structures, Sites, objects or Improvements which (a) are integral components of any Historic District or any Historic Landmark either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant and (b) were formerly known as a Designated Historic Site or a Historic Landmark pursuant to Section 15.32.180.

"Demolition" means the partial or complete destruction or removal of any Historic Landmark or of any Improvements within the Historic District.

"Emergency Repairs" means immediate and necessary repairs to preserve the continued habitability and/or the health and safety of occupants or others, performed in accordance with borough codes as administered by the Construction Code Official and undertaken without first obtaining a Certificate of Appropriateness or review by the Minor Work Review Committee.

"Exemption" means permission granted by the Minor Work Review Committee to an Owner, designer or contractor (a) to alter building components, for reasons sufficiently emergent that they cannot wait for the next available meeting of the Commission, or (b) to make Construction field changes or install materials which are Replacements for materials and features already present, and are sufficiently similar or "In-Kind", being "like for like", to obviate the need for a Certificate of Appropriateness hearing.

"Historic District" means the area defined in Section 15.32.170, together with any other definable group of tax map Lots, designated in accordance with Section 15.32.180, the Structures on which when viewed collectively:

1. represent a significant period or periods in the architectural and social history of the borough; and
2. because of their unique character can readily be viewed as an area or neighborhood distinct from surrounding portions of the borough; or
3. have a unique character resulting from their architectural style.

"Historic Resources" means those resources classified as either "Key", "Contributing" or "Non-Contributing".

"Historic Landmark" means any real property and/or Structure designated in accordance with Section 15.32.180, which:

1. is of particular historic, cultural, scenic, or architectural significance to the borough and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified; or
2. is identified with historic personages or with important events in the main current of national, state or local history; or
3. embodies a distinguishing characteristic or an architectural type valuable as representative of a period, style or method of construction; or
4. represents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the nation, state or municipality.

"Improvement" means a building or other Structure, or any work constituting a manmade Alteration of, or Addition to, any building, Structure, Site or object.

"In-Kind" means Construction or Construction materials that match Construction or Construction materials being replaced on a designated Structure or object, thereby maintaining historic composition, design, color, texture and other visual qualities.

"Integrity" means the authenticity of a building, Structure, Site, object, Improvement or district evidenced by the survival of the physical characteristics that existed during its historic or prehistoric period.

"Interested Party" shall mean any Person whose right to use, acquire or enjoy property is affected by any action taken under this article, or whose rights to use, acquire or enjoy property under this article or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this article.

"Intrusions" shall mean any buildings, Structures, Sites, objects or Improvements in any Historic District which date from a later period and are not visually Contributing to the cohesiveness of the Historic District's Streetscapes.

"Key" means any buildings, Structures, Sites, objects or Improvements on any Site which, due to their extraordinary significance, would individually qualify for Historic Landmark status.

“Landscape” means the visual character of the land, including but not limited to architecture, building setbacks and height, fences, hedgerows, plantings, lawns, trees as well as man-made features including, but not limited to sculptures, patterned walks, fountains, reflecting pools and Vistas.

“Lot” means any designated parcel, tract, or area of land established by a plat or otherwise, as permitted by law and to be used, developed, or built upon as a unit.

“Minor Application” means an Application for a Certificate of Appropriateness (including documents in Article IV – Certificate of Appropriateness) which:

1. does not involve Demolition, relocation or removal of any Historic Landmark or any Historic Resources which are Key or Contributing;
2. does not involve an Addition to any Historic Landmark or any property in any Historic District or new Construction in any Historic District;
3. is a request for approval of windows, doors, roofing, signs, awnings, porches, railings, steps, materials, finishes, exterior lighting (except Landscape lighting), solar panels, communication devices, sidewalks, paving, or Streetscape work and any other work subject to public View which will not substantially affect the architectural characteristics of the Historic Landmark or the Historic District; or
4. is a request for a Construction field change for a Certificate of Appropriateness which has already been issued.

“Minor Work Review Committee” means the members of the Commission appointed by the chair at the annual organizational meeting, or from time to time as needed. The Minor Work Review Committee shall consist of the Chair and two other members and shall be responsible for reviewing Applications and applicant Exemption requests with the assistance of the Zoning Official and the HPC Consultant.

“Non-Contributing” means any buildings, Structures, Sites, objects or Improvements on the Site which do not have significant historical value because they neither date from a period of significance nor represent an architectural type, period or method which is historically significant, or due to Alterations, disturbances, Additions, or other changes, no longer possesses historic Integrity reflecting its character at that time or is incapable of yielding important information about the period.

“Ordinary Maintenance and Repair” shall mean the repair of any deterioration, wear or damage to a Structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with In-Kind material and quality workmanship.

“Owner” means (1) the owner of record of any Historic Landmark or any property in any Historic District as shown on the current tax list of the borough tax collector, (2) any mortgage holder of record of any Historic Landmark or any property in any Historic District whether or not shown in the mortgage records of the borough but only so long as such mortgage holder is acting as a mortgagee in possession or has commenced an action to foreclose a Historic Landmark or a

property in any Historic District and (3) any purchaser under a land contract to purchase any Historic Landmark or any property in any Historic District.

“Permit” means:

(a) any required approval issued by the Construction Code Official pursuant to applicable building or construction codes for exterior work to be performed on any Historic Landmark or on any building, Structure, object or Site located within any Historic District, excluding permits relating solely to the rear of a Structure not on a corner Lot unless the work for which approval is sought is visible from the street;

(b) a building permit, a Demolition permit or a permit to move, convert, relocate or remodel or to change the use or occupancy of any Historic Landmark or any building, Structure, object or Site located within any Historic District;

(c) any required approval issued by the Construction Code Official pursuant to applicable building or construction codes for any exterior work to be performed on windows, doors, roofing, previously unpainted masonry, awnings, porches, railings, steps, and exterior lighting other than Landscape lighting and any other work which would alter the exterior appearance of Historic Landmarks or properties located within any Historic District or their Sites excluding approvals relating solely to the rear of a Structure not on a corner Lot unless the work for which approval is sought is visible from the street.

“Person” means any individual, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, firms, companies, corporations, entities or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either personally or in a representative capacity for any other person, under either personal appointment or pursuant to law.

“Physical Treatments” include abrasive or chemical cleaning methods that remove discolorations or coatings and which permanently impact, mar, or abrade the surface as a result of the cleaning methodologies.

“Preservation” means the act or process of applying measures necessary to sustain the existing form, Integrity and materials of any Historic Landmark. Work, including preliminary measures to Protect and stabilize the property, generally focuses upon the ongoing Ordinary Maintenance and Repair of historic materials and features rather than extensive Replacement and new Construction.

“Protect” means the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

“Reconstruction” means the act or process of reproducing, by means of new Construction, the form, features and detailing of a non-surviving building, Structure, Site, object, Improvement or Landscape for the purpose of replicating its appearance at a specific period of time and in its historic location when documentary and physical evidence is available.

“Replacement” means the act or process of replicating any exterior architectural feature that is used to substitute for an existing deteriorated or extensively damaged architectural feature.

“Secretary of the Interior’s Standards” means the publication issued by the U.S. Department of the Interior, National Park Service, entitled: “The Secretary of the Interior’s Standards for the Treatment of Historic Properties” (including the Secretary of the Interior’s Standards for Rehabilitation contained therein together with the Secretary of the Interior’s Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings), as found in 36 C.F.R. 68, as the same may be applicable and appropriate, and as amended and revised from time to time.

“Site” means the location of a significant event, a prehistoric or historic occupation or activity, a building or Structure, or a burial ground or cemetery, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing Structure.

“Staff” means the Historic Preservation Consultant, the Zoning Officer and such other consultants or officials as may from time to time be retained and/or employed to provide Application review services to the Commission.

“Streetscape” means the visual character of the street including, but not limited to, the architecture, building heights and relationships to the street and neighboring properties, and other features that retain the visual continuity of the Historic District.

"Structure" means any nonnatural object or building, or any part thereof, constructed or installed upon real property.

“View” or “Vista” means the view by the public of a building, Structure, Site, object, Improvement or Landscape from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

## ***Article II. Historic District Commission***

### **15.32.040 Created.**

There is created in and for the borough a historic district commission, the Commission defined herein.

### **15.32.050 Membership.**

- A. The Commission shall consist of seven members and two alternate members. The mayor, with the advice and consent of the council, shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." Any vacancy on the Commission (including a vacant alternate position) shall be filled by the mayor within sixty days in accordance with the procedures established by law for making such appointments, the newly appointed member to finish out the unexpired term of the previous member.

- B. The regular members of the Commission shall include at least one individual from Class A, described in subsection C below and at least one individual from Class B, described in subsection C below; provided, however, that at least three of the regular members of the Commission must be from the aforementioned Class A and Class B. The alternate members of the Commission shall meet at least the qualifications of Class C, described in subsection C below.
- C. Class A, Class B and Class C members shall consist of the following types of individuals:
  - 1. Class A. Individuals who are knowledgeable in building design and Construction or architectural history and who may reside outside Glen Ridge.
  - 2. Class B. Individuals who are knowledgeable or have a demonstrated interest in Glen Ridge history and who may reside outside Glen Ridge.
  - 3. Class C. Those regular members who are not designated as Class A or Class B shall be designated as Class C. Class C members shall be residents of Glen Ridge who shall hold no other borough office, position or employment except for membership on the planning board or the board of adjustment.
- D. Notwithstanding any other provision herein, no more than two members of the Commission shall be nonresidents of Glen Ridge.

**15.32.060 Terms of members.**

The term of a regular member shall be four years and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

**15.32.070 Conflict of interest.**

No member of the Commission shall be permitted to act on any matter in which such member has either directly or indirectly any personal or financial interest.

**15.32.080 Removal of member.**

A member of the Commission may be removed by the borough council for cause; provided, however, a member of the Commission shall be entitled to a public hearing concerning such member's removal, if such member requests it.

**15.32.090 Officers.**

Each year at its annual organization meeting or as soon thereafter as possible, the Commission shall elect from its membership a chairperson and a vice-chairperson.

**15.32.100 Rules and procedures.**

The Commission shall create rules and procedures for the transaction of its business subject to the following regulations:

- A. A quorum for the transaction of business shall consist of four of the Commission's members but not less than a majority of the full authorized membership may approve or disapprove an Application as provided in Section 15.32.200.
- B. 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.
- C. The Commission shall appoint a secretary who may or may 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 decision. All such material shall be public record.

**15.32.110 Compensation.**

The Commission members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of official business.

**15.32.120 Expenses.**

- A. The borough council shall make provision in its budget and appropriate funds for the expenses of the Commission in such amounts as it shall deem appropriate.
- B. The Commission may employ, contract for, and fix the compensation of experts and other Staff and services as it shall deem necessary, with the consent of the mayor and council. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the borough council for the Commission's use.

**15.32.130 Assistance.**

The Commission is empowered to seek advisory opinions and technical assistance from all borough employees on any matter within the Commission's jurisdiction.

**15.32.140 Effective date of powers.**

Although members of the Commission may be named at any time after the effective date of the ordinance codified in this chapter, the powers of the Commission will not take effect until September 15, 1987.

**15.32.150 Duties and responsibilities.**

The Commission shall have the responsibility to:

- A. maintain the listing of Historic Districts and Historic Landmarks established by Section 15.32.170(A) of this chapter;



- B. recommend, from time to time, as circumstances warrant, additions to or deletions from the listing of Historic Districts and Historic Landmarks established by section 15.32.170(A) of this chapter;
- C. make recommendations to the planning board on the historic Preservation implications of any element or any master plan which has been or may be adopted;
- D. advise the planning board on the inclusion of historic Sites in any recommended capital improvement program;
- E. approve or disapprove Applications submitted pursuant to Article IV of this chapter;
- F. advise and assist applicants in advance of a formal Application, on ways to comply with the Preservation objectives of this chapter; and
- G. carry out such other advisory, educational and informational functions as will promote historic Preservation in the borough.

***Article III. Designation of Historic Districts and Landmarks***

**15.32.160 Confirmation of the existing historic district.**

There is established the Historic District of the borough, consisting of that area identified as the Glen Ridge Historic District on the State and National Registers of Historic Places, and more particularly identified by the boundaries and map set out as the Historic District and its boundaries shall be included in the listing of Historic Districts and Historic Landmarks established by Section 15.32.170(A).

**15.32.170 Establishment of a listing of Historic Districts and Historic Landmarks.**

- A. There is established a listing of Historic Districts and Historic Landmarks of the borough, which shall consist of a list of designated Historic Districts and Historic Landmarks and a map showing the location and boundaries of each. This listing shall also be incorporated by reference into the borough map and the borough zoning ordinance.
- B. Any Site or Structure included in the listing of Historic Districts and Historic Landmarks pursuant to Article III shall be deemed recognized as a Historic District or Historic Landmark of the borough.
- C. The listing of Historic Districts and Historic Landmarks of the borough shall include all properties located in the area designated as "Glen Ridge Historic District Extension II" as set forth in the State and National Registers of Historic Places and identified on the map entitled "Glen Ridge Historic District Boundary Expansion No. 2" on file with the borough clerk.

**15.32.180 Establishment of additional Historic Districts and Historic Landmarks.**

- A. In the event that amendments are made to the State or National Registers of Historic Places which involve Historic Districts or Historic Landmarks within the borough, the Commission

shall consider these changes as possible amendments to the listing of Historic Districts and Historic Landmarks established by Section 15.32.170(A).

- B. If the Commission makes a preliminary determination that changes should be made to the listing, it shall make public a list and map of proposed changes together with the reasons therefor. The preliminary determination shall thereafter be submitted at a public hearing to the examination and criticism of the public. Anyone who is an Interested Party shall be entitled to present such Interested Party's opinions, suggestions, objections, or support at this public hearing. The list and map showing all proposed Historic Districts and Historic Landmarks, together with notice of the hearing on same, shall be published in the official newspaper not less than ten days before such hearing is to be held.
- C. After full consideration of the information brought forth at the hearing, the Commission shall make its final recommendation on the proposed designations and shall issue its final report to the borough council and the public containing the final amendments to the listing of Historic Districts and Historic Landmarks and stating reasons in support of its recommendations.
- D. The report shall be submitted to the clerk of the borough council. The borough council shall thereafter decide whether to amend the listing of Historic Districts and Historic Landmarks by ordinance.
- E. Copies of the listing of Historic districts and Historic Landmarks as amended from time to time shall be distributed to all borough agencies reviewing development applications or issuing building and housing permits.

#### ***Article IV. Certificate of Appropriateness***

##### **15.32.190 When Required.**

A Certificate of Appropriateness issued by the Commission shall be required before any work is commenced on any Historic Landmark or within any Historic District, whether or not a Construction permit is required for such work, including but not limited to the following activities listed below. Work associated with a development application requiring ultimate approval by the planning board or the board of adjustment is not exempt from this requirement.

- A. changing the exterior appearance of any building, Structure, Site, object or Improvement by Addition, Reconstruction, Alteration or Replacement, including, but not limited to, the Addition or Alteration of windows, doors, roofing, signs, porches, railings, steps, materials, finishes, exterior lighting other than Landscape lighting, the painting of previously unpainted masonry material, solar panels, communication devices, sidewalks, paving, or Streetscape work except for the activities described in subsection 15.32.200 below.
- B. Demolition of any building, Structure, Site, object or Improvement.
- C. relocation of a principal or accessory building, Structure, Site, object or Improvement.
- D. any Addition to or new Construction of a principal or accessory building, Structure, Site, object or Improvement.

### **15.32.200 When Not Required.**

- A. A Certificate of Appropriateness shall not be required before a permit is issued by the Construction Code Official for changes to the interior of a Structure.
- B. A Certificate of Appropriateness shall not be required for exterior repainting or interior painting of existing Structures. This shall include previously painted masonry materials approved by the Commission.
- C. A Certificate of Appropriateness shall not be required if, in the opinion of the Minor Work Review Committee or the Historic Preservation Consultant, the work contemplated constitutes Ordinary Maintenance and Repair. In such cases, and if a permit is required for the proposed work, the Commission shall promptly notify the Construction Code Official that a Certificate of Appropriateness is not required as a prerequisite to the issuance of the permit.
- D. A Certificate of Appropriateness shall not be required for structural repairs which do not alter the exterior appearance.

A Certificate of Appropriateness shall not be required for any changes, Additions or Alterations not visible from a public right-of-way including any relocation or Demolition not visible from a public right-of-way.

### **15.32.210 Procedures**

- A. Except for the circumstances described in subsection 15.32.200, no work shall be performed on any Historic Landmark or on any building, Structure, Site, object or Improvement located within an historic district until either a Certificate of Appropriateness has been issued by the Commission for such work or until a determination has been made by the Commission, the Minor Work Review Committee, or Commission Staff that no Certificate of Appropriateness is necessary pursuant to subsection 15.32.190 above.
- B. Applications shall be made on forms available in the office of the Construction Code Official in the Glen Ridge Borough Municipal Building. Applications shall be provided for review by the Construction Code Official or Commission Staff to determine if the Application shall be presented to the Commission or is deemed a Minor Application.
- C. If it is deemed that an Application is required for presentation to the Commission, a complete Application for a Certificate of Appropriateness shall include the items enumerated in the HPC Checklist.
- D. The determination of the Construction Code Official or Commission Staff that an Application is deemed a Minor Application shall be final. The determination of the Construction Code Official or Commission Staff that an Application is not to be deemed a Minor Application is subject to review and reversal by the Commission.

### **15.32.220 Timetable and Standards for Review.**

- A. Except as otherwise provided in subsection B, the Commission shall, within forty-five days of an Application that has deemed complete referred pursuant to Section 15.32.190, indicate whether it approves or disapproves of the Application.

- B. Notwithstanding the provisions of subsection A, an applicant who needs approval of both the Commission and the planning board or board of adjustment may elect in writing to apply first to the planning board or board of adjustment before seeking approval from the Commission. When this election is made, the Commission shall indicate whether it approves or disapproves of the Application within forty-five days after the conclusion of the proceeding before the planning board or the board of adjustment.
- C. The Commission may approve an Application with such conditions as it determines are necessary in order to comply with this chapter. The Commission's determination shall be accompanied by such report as it deems appropriate.
- D. In any case involving the Demolition of any Structure or the Construction of a new Structure, an Application shall not be complete and the time period for consideration by the Commission shall not begin to run until the applicant satisfies the notice requirements set forth in N.J.S.A. 40:55D-12(b).
- E. In reviewing applications, the commission shall consider the visual compatibility of the proposed addition, alteration, construction or demolition with the structure and surroundings to which it would be visually related.
- F. The above standards shall require consideration of, among other matters, the height, scale and proportion of buildings, compatibility of materials, patterns of visual elements that are consistent from Structure to Structure, and placement of Structures in relationship to each other. It is the intent of this chapter that the Commission recognize and permit a diversity of stylistic treatments so long as the principle of compatibility is maintained, in keeping with the creative diversity which is essential to the street-scape which forms the justification for the Glen Ridge historic district.
- G. Failure by the Commission to perform its obligations under Section 15.32.220(A) within the aforementioned forty-five-day period shall be deemed to constitute approval of the Application without qualification or condition, unless the applicant shall have consented to an extension of the forty-five-day period.

**15.32.230 Conceptual Review and Informational Meetings.**

- A. Persons proposing to make Application to the Commission in connection with any action that requires a Certificate of Appropriateness are encouraged to first hold an informal informational meeting with Commission Staff to review any design proposals or related issues before filing the Application.
- B. The Commission Staff shall hold meetings pursuant to 15.32.220A within 20 days of such request. Neither the applicant nor the Commission shall be bound by any such review. Informal concept or informational review shall not relieve the necessity for Commission review for a Certificate of Appropriateness pursuant to this Ordinance.

**15.32.240 Minor Work Application Review.**

- A. Minor Applications may be reviewed and approved by the Minor Work Review Committee without holding a public hearing. A Minor Application shall require submittal of information

consisting of the standard Application cover pages and, where applicable, a drawing in sufficient detail to accurately depict the work proposed and adequate to provide the information required for issuance of a permit by the Construction Code Official. If the Minor Work Review Committee finds the Application within its purview, the Committee may act in place of the full Commission without the necessity of a public hearing and is authorized to issue a Certificate of Appropriateness to the Construction Code Official for the work set forth in the Minor Application. The Construction Code Official shall then authorize the applicant to proceed and issue any required permit associated therewith. If the Minor Work Review Committee does not find the Application within its purview, the Application shall be scheduled for a public hearing before the full Commission/upon filing of a full Application meeting the submittal requirements of the HPC Checklist.

**15.32.250 Review by the Full Commission.**

- A. The Commission shall hold a public hearing on all Applications for any Certificate of Appropriateness following the referral of a complete Application to the Commission by the Construction Code Official. The applicant shall have the burden of proof and obligation to establish entitlement to a Certificate of Appropriateness by satisfaction of the applicable standards and criteria in accordance with this ordinance, upon the failure of which, the Commission shall be entitled to deny the Application. The Commission shall issue a Certificate of Appropriateness within a 45 day period that begins when Applications are deemed complete by designated Commission Staff and distributed to members of the Commission in the monthly packet. No public hearing shall be required in order for the Commission or, when applicable in situations requiring Emergency Repairs, the Minor Work Review Committee, to render a Minor Application determination of Exemption pursuant to subsection 15.32.200.
- B. Prior to holding a public hearing on a complete Application for a Certificate of Appropriateness, the Commission or its Staff shall, in addition to complying with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., notify the applicant in writing at least 10 days prior to the hearing setting forth the time, date and place of the hearing. Applicant shall provide written notice to those entitled to notice in accordance with N.J.S.A. 40:55D-12.
- C. At the hearing, the Commission shall allow any Interested Party the opportunity to be heard concerning the issuance of a Certificate of Appropriateness for the proposed work.
- D. After conducting the public hearing, the Commission shall return to the Construction Code Official within 30 days, its written determination on the Application, which may be stated in resolution form. The Commission shall grant or deny a Certificate of Appropriateness to the applicant based on the standards and criteria set forth in section 15.32.270 of this article. The Commission may issue a Certificate of Appropriateness subject to certain Condition(s), which shall be set forth in detail in the commission's written decision. The Commission's denial of a Certificate of Appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for the said work by the Construction Code Official. Upon receipt of the Commission's written

determination, the Construction Code Official shall notify the applicant of said determination in writing within five business days thereof. The granting or denial by the Commission may be appealed to the planning board or board of adjustment in the same manner as an appeal is taken pursuant to N.J.S.A. 40:55D-70(a). Nothing herein shall be deemed to limit the right of judicial review of the Board of Adjustment action after an appeal is concluded.

- E. Failure of the Commission to render its written determination to the Construction Code Official within the 45 day period shall be deemed to constitute a determination in favor of the issuance of a Certificate of Appropriateness for the proposed work and without conditions.
- F. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission. The request for an extension of time by the applicant must be made in writing prior to a regularly scheduled public hearing or verbally requested during a public meeting and recorded in the minutes. In circumstances where the Commission determines that the applicant has failed or declined to provide the Commission with information reasonably required by it in order to make an informed decision, the Commission shall have the right to adjourn the proceedings until such time as the requested information is supplied to it. If the requested information is not received by the Commission within 60 days, it shall have the right to dismiss the Application without prejudice for lack of prosecution.
- G. When a Certificate of Appropriateness has been issued, the Construction Code Official or such official's appointee 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.
- H. A Certificate of Appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.
- I. Appeals from determinations of the Construction Code Official pursuant to the Commission's decisions may be made by the applicant to the zoning board of adjustment, according to N.J.S.A. 40:55D-70a.
- J. The performance of unauthorized activities and/or the performance of any work not in accordance with a previously issued Certificate of Appropriateness, shall be deemed to be a violation of this chapter and may subject the Owner and other responsible Persons to sanctions imposed hereunder. The Construction Code Official or borough prosecutor, as applicable, shall prosecute any such violation in the borough's Municipal Court and the Commission shall also have the right to file an action in the Superior Court of New Jersey for appropriate legal and/or equitable relief, subject to the prior approval of the borough Council.

#### **15.32.260 Emergency Repair Procedures**

- A. When any Historic Landmark or any Historic Resource requires Emergency Repairs, such repairs may be performed in accordance with applicable construction codes immediately upon approval of the Construction Code Official, who shall certify that a bona fide

emergency of the type referenced herein exists, without first obtaining a Certificate of Appropriateness from the Commission or approval from the Minor Work Review Committee. Under such circumstances, the repairs performed shall be only such as are necessary to preserve the continued habitability of the building or Structure and/or the health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be employed, provided these measures are reversible without causing damage to the building or Structure.

- B. Simultaneously with the commencement of the Emergency Repairs, the Owner shall make a request for a Certificate of Appropriateness from the Commission memorializing the approval for said emergency work. This request shall be made through the Construction Code Official pursuant to the procedures set forth in subsection 15.32.250 above.
- C. It should be noted that the procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Construction Code Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the Emergency Repairs shall be performed until an appropriate request for approval has been granted by the Construction Code Official and the Commission or, where applicable, the Minor Work Review Committee pursuant to the procedures set forth in subsection 15.32.250 above.

#### **15.32.270 Standards and Criteria**

- A. The purpose of this section is to provide uniform standards and criteria for the regulation of Historic Landmarks and Historic Districts for use by the Commission. All projects requiring a Certificate of Appropriateness, including Minor Applications, and all Applications for development on Historic Landmarks or in any Historic District shall, in interpreting and applying the standards and criteria set forth herein, be guided by the principles contained in the most current versions of the Secretary of the Interior's Standards, The Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, and the Design Guidelines for the Glen Ridge Historic District are incorporated herein by reference, as the same may be applicable and appropriate, and as amended and revised from time to time, which are incorporated herein by reference and which constitute the Commission's design criteria and guidelines for the Glen Ridge Historic District pursuant to N.J.S.A. 40:55D-65.1. The Historic District Map and Historic Design Guidelines shall apply and are incorporated as Appendices to this Chapter.

In utilizing the Secretary of Interior's Standards, the Commission shall be guided by the provisions thereof including, but not limited to, the following:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its Site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

- (3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (5) Distinctive features, finishes, and Construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires Replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - (7) Chemical or Physical Treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of Structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (8) Measures shall be undertaken to Protect and preserve significant Historic Resources affected by a project. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (9) New Additions, exterior Alterations, or related new Construction shall not destroy historic materials or Historic Resources that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to Protect the historic Integrity of the property and its environment.
  - (10) New Additions and adjacent or related new Construction shall be undertaken in such a manner that if removed in the future, the essential form and Integrity of the historic property and its environment would be unimpaired.
- B. In reviewing any Application for a Certificate of Appropriateness, the Commission shall consider the siting, arrangement, exterior design, design quality, massing, arrangement, texture, details, style, scale, setbacks, shape, height, rhythm, directional emphasis, proportions, building elements, materials, finishes and relationships to the Streetscape or views of the proposed work and the relationship of those characteristics to the historical significance of the Historic Landmark or Historic District.
- C. In reviewing an Application for a Certificate of Appropriateness and notwithstanding any other provisions of this ordinance, the Commission shall not consider:
- (1) use, zoning requirements for setbacks, density, height limitations or Lot coverage as these matters fall within the purview of the board of adjustment or planning board, and
  - (2) the removal of trees.



- D. In recognition of the lesser importance of Applications for a Certificate of Appropriateness related to NonContributing Structures/Sites, only the criteria set forth in Article IV: Certificate of Appropriateness shall be applied by the Commission.

Criteria for Review. In its review of Historic Landmarks or properties located with Historic Districts, the Commission shall give consideration to certain criteria, including but not limited to the following:

- (1) The historical value of the Streetscape.
- (2) The historical value of a building, Structure, Site, object, Improvement or district and its relationship to property of the surrounding area.
- (3) The general compatibility of the proposed use to the historical value of the surrounding historic district. In regard to an Application for new Construction, Alterations, Additions or Replacements affecting any Historic Site or any Improvement within any Historic District, and in addition to the criteria set forth in Article IV: Certificate of Appropriateness, the following factors shall be considered in relation to its setting and context, including:
  - (a) height;
  - (b) massing;
  - (c) proportion of the width and height of the building's facades;
  - (d) proportion of openings within the building;
  - (e) rhythm of spacing of buildings on streets
  - (f) rhythm of solids to voids on facades fronting on public places;
  - (g) relationship of materials and texture;
  - (h) Construction in a range of design and style options which are consistent with neighboring buildings in the historic district.
- (4) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its design review under these guidelines, the following criteria shall be utilized:
  - (a) All exterior elevations, including the roof, must be maintained and new Construction must be compatible with existing Structures, districts and surrounding areas.
  - (b) In-Kind or similarly compatible building materials must be utilized.

**15.32.280 Applications to the board of adjustment or planning board.**

- A. Upon completion of review by the Commission as provided in Section 15.32.220, whether or not the completion of such review occurs before or after review or approval or other action by the board of adjustment or the planning board, the Application shall be returned

to the board of adjustment or planning board, as appropriate, for such further proceedings as are within the appropriate board's jurisdiction.

- B. Either board shall, as part of its proceedings, give due consideration to the report and recommendation of the Commission.
  - 1. If the Commission has approved an Application without qualification, such board shall be bound by this determination and may not deny the Application on grounds of noncompliance with this chapter.
  - 2. If the Commission has approved an Application with conditions, or denied an Application, and if the applicant gives notice that the applicant wishes new consideration, such board shall make a final determination as to whether the Application complies with this chapter. Neither board, however, shall be bound by the report or recommendation of the Commission.

**15.32.290 Application to the building department.**

- A. Upon completion of review by the Commission as provided in Section 15.32.220, the Commission shall inform the building department as to whether the Application is approved or disapproved.
- B. If the Commission has approved the Application without qualification, the building department shall be bound by this determination and shall not deny the Application on grounds of noncompliance with this chapter.
- C. If the Commission has approved the Application with conditions, or has denied the Application, and if the applicant wishes further review of the matter, the Application shall be referred to the planning board. The planning board shall make a final determination as provided in Section 15.32.280(B)(1). The planning board shall complete its review within forty-five days after receipt of the Application forwarded to it.
- D. Upon completion of action by the planning board, the building department shall be informed of the board's decision and shall be bound thereby in determining whether the Application complies with this chapter.
- E. Nothing in this Article IV shall preclude the board of adjustment, the planning board, or the building department from conducting such other reviews or proceedings as are appropriate during the period in which an Application is being considered by the Commission.

**15.32.300 Violation—Penalty.**

Any Person who proceeds to make any Addition, Alteration, Construction or Demolition in any Historic District or to any Historic Landmark without first seeking review by the Commission when required pursuant this chapter shall be liable in fines up to one thousand dollars for each such offense, and shall be subject to such additional relief as shall be available to the borough under the Municipal Land Use Law or the zoning ordinance for a violation thereof. Each day the violation is not remedied shall constitute a new offense.