

**TOWNSHIP OF CHESTERFIELD**

**ORDINANCE NO. 2019-11**

**AN ORDINANCE TO AMEND ORDINANCE 2016-12, CODIFIED AT CHAPTER 123 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED “HISTORIC PRESERVATION”**

**WHEREAS**, since the enactment of Ordinance 2016-12, the Township of Chesterfield has sought to secure grants from the State of New Jersey Historic Preservation Office, through at “Certified Local Government” application process; and

**WHEREAS**, the State of New Jersey has requested that the Township amend its exiting Ordinances governing historic preservation in a fashion that will allow the Township to qualify for Historic Preservation Office/Certified Local Government Grants, and the Township Committee deems it appropriate to make the changes necessary to the Ordinance to allow the Township to qualify for such Grants; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey, as follows:

**A. AMENDED AND NEW SECTIONS.**

**I.** Section 123-4, “**Definitions**”, is hereby amended as follows:

1. The definition of “**Administrative Officer**” is hereby amended to delete the last sentence providing that the “Administrative Officer may be a member of the Commission.”
2. The definition of “**Building**” shall be highlighted to read as follows:  
**Building** shall mean a structure created to shelter human activity.
3. A definition for “**Emergency Review**” shall be added and shall read as follows:

**Emergency Review.** In addition to conducting reviews at its regularly scheduled meetings, the Commission will conduct Emergency Review meetings, when necessary. These Emergency Review meetings shall be held at the call of the Chair, when any action requiring immediate consideration is necessary. This action may include a review of temporary repairs of historic properties and reviews of other items pertaining to safety and the necessity for immediate and prompt action. The Chair shall convene a meeting for these purposes by giving appropriate notice in accordance with the Open Public Meetings Act, and notifying the members of the Commission of the time, date, and location of the Emergency Review meeting and the purpose thereof. An emergency meeting is

warranted when the requested work or alteration can demonstrably be shown to be time sensitive

4. The definition of “**Object**” shall be re-alphabetized to appear before the definition of “**Ordinary Maintenance**”; and shall be set forth in a separate paragraph from the definition of “**Repair**.”
5. A new definition for “**Rehabilitation**” shall be added before the definition of “**Removal**”, and shall read as follows:

**Rehabilitation.** The 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 and features of the property which are significant to its historic, architectural, and cultural values.

6. The definition of “**Removal**” shall stay the same, and shall follow the definition of “**Rehabilitation**”, and proceed the definition of “**Repair**.”
7. The definition of “**Repair**” shall remain the same, but shall be re-alphabetized to appear after the definition of “**Removal**”.
8. A definition for “**Secretary of the Interior’s Standards**” shall be added and shall read as follows:

**Secretary of the Interior’s Standards.** The Secretary of Interior’s Standards for the Treatment of Historic Properties, as codified at 36 CFR Section 68, *et seq.*, as amended.

- II. The title of **Section 123-10(B)**, “Review by the Commission is not required” is hereby amended to read: “Emergency Reviews”
- III. The title of **Section 123-10(C)**, “Review and Approval by Commissioner Only (and not Planning Board) is hereby amended to read as follows:

123-10 (C) Minor Applications.

- a. In the case of a referral by the administrative officer of a minor application for the issuance of a permit pertaining to historic sites, or of property in historic districts, the Chairman of the Commission may act in the place of the full Commission for purposes of this section. Likewise, in the case of a minor application, the Chairman of the Planning Board, or a subcommittee of the Planning Board may act in place of the full board. All deliberations and actions on minor application shall be reported and entered into the record at the following Commission meeting,

- IV. **Section 123-13**, “Procedures for the review of Site Plans, Subdivisions and Variance Applications”, is hereby amended to re-number said section as **Section 123-12**; and further, wherever reference is made to “guidelines of the Secretary of the Interior” or “Secretary of the Interior Standards for Rehabilitation and the Secretary of Interior Standards for the treatment of historic properties with guidelines for preserving, rehabilitating, restoring and reconstructing history buildings,” same is hereby amended to: “Secretary of the Interior’s Standards.”
- V. **Section 123-12**, entitled “Procedure for Commissions review of building permits and alterations”, is hereby amended to both re-number the said section to Section 123-13; and to change the title to read: “Procedures for the Commissions Review of Demolition Permits, Additions, Alterations, and New Construction” and shall now read as follows:

**“123-12. Procedure for Commissions Review of Demolition Permits, Additions, Alterations and New Construction.**

- A. **Applications for Demolition.** [No change to existing text, except that the introductory words “Upon recent of an application...” shall be changed to “Upon receipt of an application...”]
- B. [No change, except that the reference in the last line to “Section 123-15(C)” is changed to “Section 123-14(c).”]
- C. **“ALTERATIONS and ADDITIONS.”**
- “1. The following factors shall be considered for an application for alterations and/or additions affecting an individually designated historic landmark, site or a building or structure within a designated historic district:
- a. Design and Materials. The proposed design and materials shall conform to the building's original architectural style.
  - b. Original Qualities. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal of alteration of any historic material or distinctive architectural features shall be avoided.
  - c. Acquired Significance. Changes that 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.
  - d. Repair Versus Replacement. Deteriorated architectural features (e.g. windows, doors, shutters, trim, siding, etc.) shall be repaired rather than replaced, wherever possible using the Secretary of the Interior's Standards for Rehabilitation and appropriate guidelines developed in keeping with these Standards by the National Park Service. In the event replacement is

necessary, the new material should match the material 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 conjectural designs or the availability of different architectural elements from other buildings or structures.

- e. Design of Alterations or Additions. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. The proposed addition cannot exceed more than 25% of the total above-grade enclosed and livable square footage of the existing building or structure.
- f. Character of Alterations. Wherever possible, new additions and alterations to buildings or 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.
- g. Window and Door Openings.
  - (1) Size, Location and Style. The number, size and locations of original window and door openings shall be retained. Window and door openings shall not be reduced to fit stock material. New window and door openings shall not be added on elevations that are subject to view from a public street. The replacement window or door shall be of the same style and type that was originally used on the building or structure.
  - (2) Metal Windows. Where appropriate to the building or structure in question, metal windows shall be permitted to match the metal windows which were used when the building or structure was originally built.
  - (3) Key Buildings. Fiberglass-clad, vinyl-clad and aluminum-clad windows and doors are not acceptable on Key buildings. New wood windows and doors shall be historically and architecturally correct for the building or structure.
  - (4) Contributing Buildings. Fiberglass-clad, vinyl-clad and aluminum-clad windows and doors are not acceptable on the front facades of contributing buildings. Non-wood surfaced window sashes, frames and doors and door frames may be used on side and rear exposures of low public visibility on Contributing buildings that were originally wood windows and doors when the substitute windows and doors are similar in design, width, height and texture to the original wood windows or doors and will not endanger the physical condition and structural life of the building or structure. Pure vinyl windows are not permitted.

(5) Non-Contributing Buildings. Non-wood surfaced window sashes, frames and doors are acceptable as replacement windows or doors on Non-Contributing buildings. Pure vinyl windows are not permitted.

(6) Trim and Adornments. Architectural trim and adornments must be retained. Wrapping and/or packing-out of wood frames of windows and doors is specifically not permitted.

**D. “NEW CONSTRUCTION.”** The provisions set forth in Section 123-14(B) shall be established at the criteria for this new Section 123-13(D), and shall now read as follows:

**“New Construction.** In regard to an Application for new construction on vacant lots, or replacements affecting a historic landmark or site within a historic district, the following factors shall be considered:

[1-10]: No change, simply re-adopted now as Section 123-13(D).”

**VI. Section 123-14,** except as otherwise provided herein, with regard to the replacement of certain language contained at 123-14(B) and its re-alphabetization under 123-13(D), is hereby repealed.

**VI. Sections 123-15** is hereby amended to renumber the said section to Section 123-14

**VII. Section 123-16** is hereby amended to renumber the said to Section 123-15 and as to now read as follows:

A. Any person who shall undertake an activity which would cause a change in the exterior architectural appearance of any improvement within a historic district or, of any historic landmark, by addition, alteration, or replacement without first obtaining the approval of the Historic Preservation Commission shall be deemed to be in violation of this section.

B. Any person who shall undertake any new construction within a historic district, or on property containing any historic landmark, without first obtaining the approval of the Historic Preservation Commission shall be deemed to be in violation of this section.

C. Upon learning of a violation of this section, the Zoning Officer shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the landmark or improvement to the condition it was in prior to the violation occurring. If the owner cannot be personally served within the municipality with the said notice, a copy shall be posted on the site and a copy sent to the owner at his last known address as it appears on the municipal tax rolls.

- D. Any person who violates §123-16(A) or §123-16(B), he shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the landmarks affected, pending a decision. If the project is denied, he shall immediately restore the landmark to its pre-activity status. The Zoning Officer is hereby authorized to seek injunctive relief regarding a stop action on restoration in the Superior Court, Chancery Division, not less than 10 days after the delivery of notice pursuant to § 123-16(C) hereof. Such injunctive relief shall be in addition to the penalties authorized under § 123-16(G) hereof.
- E. In the event that any action which would permanently affect a historic landmark or historic district or a demolition to remove the landmark is about to occur without approval having been issued, the Zoning Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.
- F. The Historic Preservation Commission secretary, in the absence of the Zoning Officer or at such other times as may be permitted by law or as directed by the Town Manager, shall perform all of the duties of the Zoning Officer that were granted to said officer by this section.
- G. The penalty for violations of this section shall be as follows:
  - 1. For each day up to 10 days, not more than \$100 per day
  - 2. For each day from 11 days to 25 days, not more than \$150 per day
  - 3. For each day beyond 25 days, not more than \$200 per day

**VIII. Section 123-17**, is hereby amended to re-number the said section to Section 123-16.

**VIII. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**CHESTERFIELD TOWNSHIP COMMITTEE**

Introduced: May 23, 2019

Adopted: June 13, 2019

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Dhopte	X						S Dhopte	X					
A Katz				X			A Katz	X					
D Koetas-Dale	X					X	D Koetas-Dale	X					X
J Liedtka	X				X		J Liedtka	X				X	
R Romeu	X						R Romeu	X					

X – Indicates Vote    NV – Not Voting    AB – Absent    ORD – Motion    SEC - Seconded

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