A Five Minute Look at New Jersey Register Reviews

Pursuant to the New Jersey Register of Historic Places Act, (Laws of 1970, Chapter 268)

Department of Environmental Protection

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Parks & Forestry

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Historic Preservation Office

What is New Jersey Register Review?

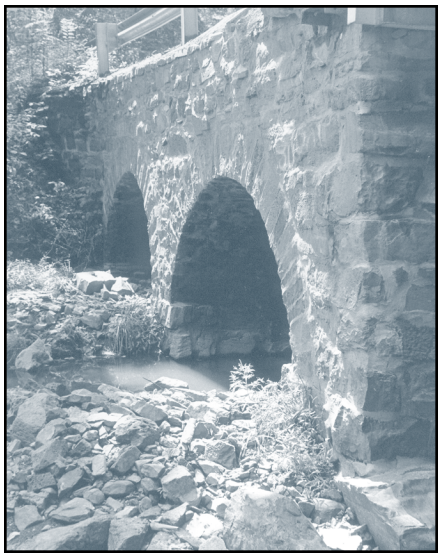
The State's historic preservation review process was developed to ensure that properties listed in the New Jersey Register of Historic Places are protected from any harmful public actions. The review procedure is administered by the Department of Environmental Protection's Historic Preservation Office with public input and recommendations from the New Jersey Historic Sites Council.

Why was this procedure created?

Since 1970, the State of New Jersey has recognized and protected historic properties with a straightforward and effective law, the New Jersey Register of Historic Places Act. The law allows historic properties to be nominated and entered in the New Jersey Register of Historic Places, which is maintained by the Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office. Once a property is listed in the New Jersey Register of Historic Places, any public undertaking that would "encroach upon, damage, or destroy" the registered historic property must go through this review procedure.

What does the New Jersey Register of Historic Places Act say?

Any undertaking of State, county, or municipal government agencies which may "encroach upon, damage or destroy" a New Jersey Register listed property must have prior authorization from the Commissioner of the Department of Environmental Protection. Strictly private undertakings are not reviewable under the law.



Rock Brook Bridge, Montgomery Township, Somerset County listed 12/20/93

What is the Historic Sites Council?

A gubernatorially appointed body of eleven citizens created to advise the Commissioner, who is also the State Historic Preservation Officer. The Historic Preservation Office acts as staff to the Historic Sites Council. The Historic Sites Council reviews all proposed "encroachments" at an open public meeting and makes recommendations to the Commissioner for final action.

Who initiates New Jersey Register Reviews?

State, county or municipal government agencies (or their lessees or agents) who are undertaking a project which may encroach upon a New Jersey Register-listed property. A review is initiated when a technically complete application is received by the Historic Preservation Office.

What is an undertaking?

An undertaking is an action by the State, a county, municipality, or an agency or instrumentality thereof, which has the potential to result in effects on a New Jersey Register-listed property. The following are examples of undertakings: acquisitions, sales, leases, transfers of deed, easements, rehabilitations, alterations, demolitions and relocations. The following are examples which would not be considered an undertaking: changes in local zoning ordinances, issuance of building or demolition permits to private entities, and routine maintenance (such as re-painting, window pane repair, and bridge redecking).

When do effects occur?

An effect occurs whenever there is a change, whether beneficial or adverse, in the quality of the characteristics that allowed the property to meet the criteria for listing in the New Jersey Register of Historic Places. Effects can be direct or indirect. Direct effects include everything from the rehabilitation of a historic building to its demolition. Indirect effects include increases in traffic speed, increases in traffic congestion, or incompatibly designed new construction that may diminish the qualities that make the property eligible to be listed.

What is an encroachment?

Projects which are not in conformance with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties are encroachments. Examples of encroachment include: the demolition of a contributing structure in a historic district, the taking of property from a historic resource, the alteration of key character defining elements of a listed property. Copies of the Secretary of the Interior's Standards are available from the Historic Preservation Office on request and on the web at www.state.nj.us/dep/hpo.

Gable Detail, The Hermitage, Ho-Ho-Kus Borough. SR Listed 5/27/71

How do the Historic Sites Council and the Commissioner determine when to allow an encroachment to occur?

In addition to considering whether the undertaking is in conformance with the above listed criteria and standards, the following are considered: the public benefit of the proposed undertaking; whether prudent and feasible alternatives exist; and whether sufficient measures have been taken to avoid, reduce or mitigate the encroachment.

How long does New Jersey Register Review take?

If an undertaking is determined not to be an encroachment by initial Historic Preservation Office staff review, the New Jersey Register Review will take no more than 45 days and the undertaking may proceed upon written notice. However, if the undertaking is determined to be an encroachment, the application must be presented to the Historic Sites Council in an open public meeting, in which case the review will take no more than 120 days.

How often does the Historic Sites Council meet?

Historic Sites Council meetings are held bi-monthly, for more inormation on the meeting schedule, place and time, visit our website at www.state.nj.us/dep/hpo.

How does the public receive notice of encroachments?

If the project is in conformance with the Secretary of the Interiors standards , local historical societies and historic commissions, (as listed in the application) will be notified in writing by the HPO. However, if the project violates the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, the applicant will notify the public, in advance of the Historic Sites Council meeting.

What possible actions can the Commissioner make on an application?

The Commissioner may: authorize or consent to the encroachment as described in the application; authorize or consent to the application with conditions (conditions may include: marketing, recordation, archaeological survey and/or data recovery, and architectural salvage, revisions to plans); temporarily deny the application based on factors such as need for additional information and exploration of additional alternatives; deny the application with specific reasons.

What are the published administrative rules governing this procedure?

The Procedures Concerning the New Jersey Register of Historic Places, N.J.A.C. 7:4 (available on request from the Historic Preservation Office and on our website at www.state.nj.us/dep/hpo).

State of New Jersey
Department of Environmental Protection
Division of Parks and Forestry

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