

Chapter 21: HISTORIC PRESERVATION COMMISSION

[HISTORY: Adopted by the Township Committee of the Township of Cranbury 2-27-2006 by Ord. No. 01-06-02. Amendments noted where applicable.]

GENERAL REFERENCES

Historic preservation — See Ch. 93.

Land development — See Ch. 150.

§ 21-1. Establishment.

There is hereby created a Historic Preservation Commission, which is created pursuant to the provisions of N.J.S.A. 40:55D-107 et seq., and which is intended to perform all of the functions of a historic preservation commission pursuant to N.J.S.A. 40:55D-109.

§ 21-2. Responsibilities.

The Historic Preservation Commission shall have the following duties and responsibilities:

- A. Identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance that is based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification) and that is compatible and coordinated with the State Historic Preservation Office (HPO) state-wide inventory; and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- B. Make recommendations to the Planning Board regarding the historic preservation plan element of the Master Plan and the impact of each component and element of said Master Plan on the preservation of historic sites and districts. The Commission may provide information to the Planning Board indicating the location and significance of historic sites and districts and may assist in identifying or applying the standards used to assess their worthiness for historic site or district identification.
- C. Advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
- D. Advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110 and 111.
- E. Establish administrative procedures and/or regulations to carry out the purposes of Chapter 93 of this Code.
- F. Carry out such other advisory, educational and informational functions as will promote historic preservation in the Township.

§ 21-3. Membership.

- A. Positions on the Historic Preservation Commission shall be filled by people interested in, and qualified to contribute to, the preservation of the historic resources of the Township. The membership of the former Historic Preservation Advisory Committee, which was established by former Chapter 93 (now repealed), is hereby continued pursuant to N.J.S.A.40:55D-107 et seq. On expiration of the existing terms, the Mayor shall appoint new members, who may include members of the former Historic Preservation Advisory Committee.
- B. The Commission shall consist of five regular members and two alternate members, all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. Members shall serve without compensation, except that they shall be reimbursed for reasonable and necessary expense incurred in the performance of official business within the guidelines of the budget established for the Commission by the Township Committee. All appointments shall be made by the Mayor.
 - (1) At the time of appointment, at least one member shall be designated from each of the following classes:
 - (a) Class A: A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality;
 - (b) Class B: A person who is knowledgeable, or with a demonstrated interest, in local history and who may reside outside the municipality;
 - (c) Class C: Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment.
 - (2) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the regular members, one shall be from Class A, one

from Class B, and three from Class C.

- C. Alternates. The 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.
- D. Committee liaison. The Township Committee shall designate one of its members to act as a liaison between the Historic Preservation Commission and the Township Committee.
- E. Terms.
 - (1) Members of the Historic Preservation Commission who have been appointed under former Chapter 93 (now repealed and replaced with new Chapter 93) shall continue in office until the expiration of their respective terms. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years.
 - (2) Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment.
 - (3) Vacancies shall be filled within 60 days. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- F. Officers. Annually, the Commission shall elect a Chair and Vice Chair from its members and select a Recording Secretary who may or may not be a member of the Commission.

§ 21-4. Budget.

The Township Committee shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Township Attorney at the rate of compensation determined by the Township Committee, unless the Township Committee by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for the Commission's use. In the event that the Commission receives gifts or grants, they will be placed in a dedicated fund for the exclusive use of the Commission.

§ 21-5. Finances.

The Township Committee shall establish by ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of development applications and applications for certificates of approval. These fees are in addition to any other fees required under any portion of this or any other applicable Township ordinance.

§ 21-6. Annual report.

The Historic Preservation Commission shall prepare an annual report to the Township Committee that shall be available to the public and placed on file in Town Hall. The report shall detail all activities of the Commission, including problem solving and advisory support.

§ 21-7. Rules of Commission.

- A. The Commission shall adopt written rules for the transaction of its business. Such rules shall not be inconsistent with the Municipal Land Use Law and the provisions of new Chapter 93 of this Code and shall include, but not be limited to, rules pertaining to all notices and hearings required herein and rules prohibiting conflicts of interest. Copies of the Commission's bylaws or rules shall be made available to the public for inspection and copying.
- B. In order to make information available to the public that is useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the Commission shall maintain complete files and records. The Commission's files shall include, but not be limited to, data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of approval and related data, decisions and appeals, and information, materials and references submitted to the public related to historic preservation. A record of Commission proceedings shall be kept and made available, but a formal verbatim record shall not be required.
- C. The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act. Copies of all minutes shall be maintained in the office of the Commission

and shall be delivered promptly to the Township Clerk.

- D. Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board or the Zoning Board of Adjustment refers an application to the Historic Preservation Commission, the referring Board shall receive a copy of the Commission's report.

§ 21-8. Conflict of interest/removal.

- A. No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property that is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest.
- B. A member of the Commission may be removed by the Township Committee for cause, provided that, if the Commission member so requests, the Township Committee shall be required to hold a public hearing first.

§ 21-9. Meetings; quorum.

- A. The Historic Preservation Commission shall establish and post in the municipal building a schedule of regular meetings and shall hold a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of applications to process, provided that in no event shall the Commission hold fewer than four meetings per year. Special meetings may be called by the Chair or, in the absence of the Chair, the Vice Chair or, on the request of any two Commission members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
- B. A quorum for the transaction of business shall be three members. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a certificate of approval. When acting to grant or change a historic site or historic district designation or to approve a demolition or relocation application, a majority of the full authorized membership shall be required.
- C. A member absent from the meeting(s) at which an application or matter was heard shall be eligible to vote on the application or matter, notwithstanding his or her absence from the meeting(s), provided that the member has available a transcript or recording of all the meeting(s) from which the member was absent and certifies in writing to the Commission that he or she has read such transcript or has listened to such recording.
- D. The Historic Preservation Commission shall hold public hearings to review all applications for certificates of approval, referrals of development applications and other business of the Commission.
- E. Failure on the part of a Commission member to attend three or more consecutive meetings without the specific permission of the Chair shall result in that member's removal from the Commission.

Chapter 93: HISTORIC PRESERVATION

[HISTORY: Adopted by the Township Committee of the Township of Cranbury 2-27-2006 by Ord. No. 01-06-02. Editor's Note: This ordinance also repealed former Ch. 93, Historic Preservation, adopted 9-26-1988 by Ord. No. 88-20; amended in its entirety 7-24-1989 by Ord. No. 89-10, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Historic Preservation Commission — See Ch. 21.

Land development — See Ch. 150.

§ 93-1. Purpose and objectives.

The purpose of this chapter is to implement the historic preservation element of the Master Plan, to provide guidance to property owners in achieving preservation of historic resources, and to advance the public welfare in order to:

- A. Safeguard the heritage of the Township by preserving resources that reflect elements of the Township's cultural, social, agricultural, economic, archeological, scenic and architectural history.
- B. Encourage the continued use of historic sites and intervening and surrounding properties in historic districts, and to facilitate their appropriate reuse.
- C. Maintain and develop an appropriate and harmonious setting for historic resources within Cranbury Township.
- D. Encourage any alteration or new construction to be in keeping with the historic character of the Township.
- E. Discourage the unnecessary demolition, alteration or removal of historic resources.
- F. Encourage the proper maintenance and preservation of historic settings and landscapes.
- G. Enhance the visual, aesthetic, and historic character of the Township.
- H. Promote the conservation of historic sites and districts, and invite voluntary compliance with the standards of this chapter.
- I. Foster civic pride in the beauty and historic roots of the Township.

§ 93-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE OFFICER — For the purposes of this chapter only, the municipal employee or officer, appointed by the Mayor, who is responsible for the various administrative duties set forth hereinbelow.

CERTIFICATE OF APPROVAL — A report issued by the Historic Preservation Commission approving any new construction or any addition to or alteration, relocation or demolition of a structure located on a designated historic site or in a historic district or historic buffer area.

DEMOLITION — The partial or total razing, dismantling or destruction of any improvement.

EVALUATION — The process of determining whether identified properties meet defined criteria of historical, architectural, archeological or cultural significance.

HISTORIC BUFFER AREA — A two-hundred-foot buffer, measured from the lot line, surrounding a designated historic building, landmark or site other than a historic building, landmark or site located within a historic district.

HISTORIC DISTRICT — One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites. For the purposes of this chapter, "historic district" shall further mean such district or districts as are identified on the Zoning Map of the Township pursuant to N.J.S.A. 40:55D-65.1.

HISTORIC LANDMARK — See the definition of "historic site" below.

HISTORIC RESOURCE — Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the historic preservation element of the Master Plan. The term includes artifacts, records, and remains that are related to the district, site, building, structure, or object.

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance. For the purposes of this chapter, "historic site" shall further mean such sites as have been designated in the Master Plan as meeting the above-listed criteria.

IMPROVEMENT — Any permanent structure or part thereof that is a part of, placed upon, or affixed to real property.

INTEGRITY — The ability of a property or element to convey its historic significance; the retention of those essential characteristics and features that enable a property to effectively convey its significance.

INVENTORY — A list of historic properties determined to meet criteria of significance specified in the historic preservation element of the Master Plan.

MINOR APPLICATION — An application for a certificate of approval that:

- A. Requests approval of fences, signs, lighting, doors, windows, roofs, paving, exterior sheathing, trim, shutters, gutters or streetscape work that strictly comply with the adopted design guidelines for the proposed improvement. If the design guidelines contain a discretionary standard requiring in any way the exercise of judgment, the application shall be referred to the full Commission; or
- B. Requests a field change for a certificate of approval that has already been issued if that change meets the criteria of subparagraph A above.

Any application that involves either the demolition, relocation or removal of a historic site, or new construction, including additions, on property located within a historic district shall be classified as a major application.

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

NONCONTRIBUTING BUILDING — A building, site, structure or object that does not add to the historic architectural qualities, historic associations or archaeological values for which a resource is significant because: 1) it was not present during the period of significance; 2) due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or 3) it does not independently meet the National Register criteria.

ORDINARY MAINTENANCE AND REPAIR — 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. Ordinary maintenance shall further include in-kind replacement of exterior elements, signs, or accessory hardware, using the same materials and workmanship and having the same appearance.

PERMIT — Any required approval, including but not limited to a construction permit, demolition permit, or zoning permit.

PRESERVATION — 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 materials.

PROTECTION — 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 damage or destruction.

RECONSTRUCTION — The act or process of reproducing by means of new construction the form, features and detailing of a nonsurviving site, landscape, building, structure or object, or any part thereof, 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 to permit accurate reconstruction.

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

REPAIR — Any work done on an improvement that is not an addition and does not change the exterior appearance of the improvement.

RESTORATION — The act or process of accurately reestablishing the form, features and character of a property and its setting as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

SHALL — The designation of a mandatory course of action that may be enforced.

SHOULD — The designation of a strongly recommended course of action.

STREETSCAPE — The visual character of the street, including but not limited to the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

SURVEY — The process of identifying and gathering data on the Township's historic resources. It includes a field survey that is the physical search for and recording of historic resources on the ground, preliminary planning and background research before the field survey begins, organization and presentation of survey data as the survey proceeds, and the development of inventories.

§ 93-3. Designation of historic sites and districts.

- A. Survey. The Commission shall from time to time undertake a survey to identify proposed or potential historic districts or sites that are worthy of protection and preservation. This survey and identification shall be performed in accordance with and pursuant to a process approved by the State Historic Preservation Office (SHPO).
- B. Criteria for designation. The criteria for evaluating and designating historic districts and sites should be consistent with the National Register criteria. The Commission shall identify buildings, structures, objects and sites within the Township that merit designation and protection and that meet the criteria set forth in this chapter. The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:
- (1) Character, interest, or value as part of the development, heritage or cultural characteristics of the Township, state or nation.
 - (2) Association with events that have made a significant contribution to the broad patterns of national, state or local history.
 - (3) Association with the lives of persons significant in national, state or local history.
 - (4) Embodiment of the distinctive characteristics of a type or period of construction, architecture, or engineering or of a method of construction.
 - (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Township, state or nation.
 - (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.
 - (7) Unique location or singular physical characteristics that make a district or site an established or familiar visual feature.
 - (8) Likelihood of yielding information important in prehistory or history.
- C. Procedures for designation.
- (1) Interested parties, concerned citizens, or Township officials or agencies may contact the secretary to the Commission to request consideration of a proposed historic site or district. Based on its review, the Commission shall make a list of sites and districts that it proposes to nominate for designation and shall institute the designation procedures set forth hereinbelow.
 - (2) The formal historic district nomination shall include a building-by-building inventory of all properties within the district, photographs of all properties within the district, a physical description and statement of significance that address the criteria for designation, a description of the location and boundaries of the district, and a map showing the location of the district.
 - (3) The formal historic site nomination shall include a photograph of the site, a copy of the tax map sheet on which the property is located, a physical description of the property and statement of significance that address the criteria for designation, a description of the location and boundaries of the site or district, and a map showing the location of the site.
 - (4) The list of proposed historic sites and historic districts, with accompanying information in support of the designation, including lot and block numbers and street addresses where available, shall be subject to review at a public hearing before the Commission.
 - (5) After the preparation of the list of properties that it proposes for designation, and at least 10 days prior to the date scheduled for the hearing, the Commission shall, by certified mail, return receipt requested, notify each owner of a proposed historic site, or the owner of a property within a proposed historic district, of the date and time of the hearing and that his or her property is being considered for historic designation.
 - (6) At least 10 days before the hearing, a preliminary list and map showing the proposed historic sites and districts shall be published, together with a notice of the hearing, in the official newspaper of the Township.
 - (7) At the hearing, interested persons shall be entitled to present their opinions, suggestions, and objections to the proposed recommendations for the historic site or district designations.
 - (8) Upon review of the proposed site or historic district, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nominations and a complete list of involved properties to the Planning Board, accompanied by a report of its recommendations for sites and districts to be identified in the historic preservation element of the Master Plan and designated as historic sites or districts in the Land Development Ordinance (Chapter 150 of this Code) and the criteria used in making its recommendations. Copies of the report shall be delivered to the Planning Board and the Township Clerk, and a notice of the action published in an official newspaper of the Township by the Commission.
 - (9) In addition to any notices required for amendment to the Master Plan, notification of proceedings before the Planning Board shall be by public notice in the official newspaper of the Township and by prominent posting on the municipal

bulletin board in Town Hall at least 30 days prior to the Planning Board hearing. All other requirements of the Municipal Land Use Law regarding adoption of or amendments to the Master Plan and development regulations shall be followed.

- (10) After Planning Board review and adoption of a revised historic preservation element of the Cranbury Township Master Plan that includes the historic sites and districts, the Commission shall submit the list of proposed historic sites and districts and a map to the Township Committee for adoption to amend the Land Development Ordinance. In the event that the Planning Board does not recommend inclusion of the sites or districts in the historic preservation element, the Commission may nevertheless request that the Township Committee consider designation pursuant to N.J.S.A. 40:55D-65.1.

§ 93-4. Duties and responsibilities of the Administrative Officer.

The Administrative Officer shall have the following duties and responsibilities:

- A. In accordance with § 21-7B of this Code, maintain all of the Commission's files and records.
- B. In accordance with § 21-7C of this Code, prepare and maintain minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions, and applications.
- C. In accordance with § 21-27C of this Code, cause all meetings to be noticed and conducted pursuant to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.
- D. In accordance with § 93-6 of this chapter, ensure that copies of any written reports regarding development applications referred to the Commission be provided to the referring board.
- E. In accordance with § 93-5 of this chapter, review all applications to determine whether the proposed work requires a certificate of approval and determine whether the application is complete.
- F. In accordance with § 93-5C(11) of this chapter, from time to time inspect any work approved by the Commission and regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with the certificate of approval.
- G. In accordance with § 93-5E(2) of this chapter, review and process any applications for emergency repairs.
- H. In accordance with § 93-5F, process requests for informational meetings or conceptual review.
- I. In accordance with § 93-10 of this chapter, provide assistance as needed to other municipal officials as to whether proposed work requires a certificate of approval.
- J. Perform such other tasks and attend to such other matters as the Commission or Township Committee may from time to time require.

§ 93-5. Certificate of approval.

- A. When required. A certificate of approval issued by the Commission shall be required before a permit is issued or before work can begin for any of the following activities within a historic district or historic buffer area or on a historic site:
 - (1) Demolition or relocation of any building, improvement, or structure, as set forth in § 93-8 below.
 - (2) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction, alteration or repair, other than ordinary maintenance and repair as defined herein and set forth below.
 - (3) Any addition to or new construction of a principal or accessory building or structure.
 - (4) Any addition of signs or exterior lighting or changes to same.
- B. When not required. A certificate of approval shall not be required for any of the following:
 - (1) Changes to the interior of structures.
 - (2) Changes to the exterior of structures that strictly meet the standards for ordinary maintenance and repair as defined in this chapter and as determined by the Administrative Officer in keeping with the procedures set forth below:
 - (a) The Administrative Officer shall determine whether the proposed work strictly meets this chapter's definition of ordinary maintenance and repair and may request appropriate documentation to conduct his or her review. If the proposed work does not strictly meet this chapter's definition of ordinary maintenance and repair, the Administrative Officer shall refer the application to the full Commission.
 - (b) If the Administrative Officer has any doubt as to whether the work constitutes ordinary maintenance and repair, the Administrative Officer shall refer the request to the Commission.
 - (c) No fee or application shall be required for the Administrative Officer's review.

(3) Emergency repairs, under limited circumstances only and subject to the provisions of § 93-5E below.

C. Procedure for obtaining a certificate of approval.

- (1) Applicants requiring a certificate of approval shall complete an application form and shall file the completed application with the Administrative Officer.
- (2) Each application shall be accompanied at a minimum by the following:
 - (a) Sketches, drawings, and other information to show the proposed alterations, additions, changes or new construction;
 - (b) A property survey, if available;
 - (c) In the case of applications for approval of the demolition or relocation of a building or structure only, current and archival photographs of the interior and exterior of said structure and drawings to document its condition;
 - (d) Any additional information the applicant deems relevant or helpful, such as photographs, descriptions and any historic survey information.
- (3) The Commission may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision.
- (4) The Administrative Officer shall review the application for technical completeness. If the application is determined to be incomplete, the applicant shall be notified in writing within 10 days of filing. If the applicant is not so notified, the application shall be deemed to be complete.
- (5) The Administrative Officer shall review all applications to determine whether they meet the definition of "minor application" set forth in § 93-2 of this Code. Pursuant to N.J.S.A. 40:55D-111, if the application meets the definition of minor application, the Chair of the Commission may grant a certificate of approval without holding a public hearing or referring the application to the Commission. If the Administrative Officer does not find that the application meets the definition, the application shall be scheduled for a public hearing before the full Commission.
- (6) The Commission shall review any complete application at its next regularly scheduled meeting. The applicant shall be notified of the meeting date and shall be allowed to present evidence in support of the application. However, an applicant shall not be required to appear or to be represented at the meeting, and the Commission is authorized to take action on the application even in the applicant's absence.
- (7) The Commission's decision shall be based solely on the evidence presented to it and such facts as may be personally known to its members, provided such facts are stated on the record and the applicant is provided a meaningful opportunity to respond.
- (8) Except as set forth below in § 93-5D regarding historic buffer areas, the Historic Preservation Commission shall issue a certificate of approval if, in the case of an application concerning a designated historic site or landmark or property located within a historic district, it finds the application appropriate to the historic district or site and in conformity with the design guidelines set forth in § 93-7 below.
- (9) The Commission shall approve or deny the application within 45 days of the date on which it was deemed complete, unless the applicant consents in writing to an extension of time. Failure to act within this forty-five-day period shall constitute an automatic approval without conditions.
- (10) The applicant shall post the certificate of approval in a conspicuous place on the site visible to the public during the entire period during which the work is taking place.
- (11) The Administrative 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.
- (12) A certificate of approval shall be valid for a period of two years from date of issue unless the Commission in its discretion grants an extension.
- (13) Issuance of a certificate of approval shall be deemed to be a final approval pursuant to this chapter but shall not obviate the need to secure any other approvals required under federal, state, county or local law.

D. Historic buffer areas.

- (1) For work proposed to be undertaken in a historic buffer area, the Commission shall first determine whether the proposed work will have a significant visual impact on the adjacent historic landmark or site. Significant visual impact shall be determined by the design, appearance and scale of the new construction or alteration and its relationship to the adjacent historic landmark or site.
- (2) If the Commission determines that the proposed work will not have a significant visual impact on the historic landmark or site, it shall issue a certificate of approval. If it determines that the proposed work will have a significant visual

impact, it shall issue a certificate of approval only if it is satisfied that the work complies with the guidelines and standards set forth in Subsection D(3)(a) through (e) below.

- (3) In order to mitigate or eliminate the visual impact of the proposed work, the following standards and guidelines shall apply:
 - (a) To the extent possible and appropriate, new construction, additions, or alterations shall be made compatible with the historic building, structure or site in terms of scale, height, design, layout, building materials, and building mass.
 - (b) Building materials, components, and details such as windows, doors, hardware, and eaves shall be proportional and relate to the existing building and to the historic landmark or structure(s) located on the historic site.
 - (c) To the extent possible and appropriate, the height of the proposed structure or alteration shall be compatible with the historic landmark or structure(s) located on the historic site.
 - (d) Buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
 - (e) Landscaping shall be used to provide an effective buffer or transition between properties.

E. Emergency procedures.

- (1) When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with any applicable building code without first obtaining a certificate of approval. Under such circumstances, the repairs performed shall be only those necessary to protect the immediate health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. Where feasible, temporary measures to prevent further damage should be used, provided these measures are reversible without damage to the structure.
- (2) The property owner shall make a request for the Commission's review simultaneously with the onset of emergency work. The request shall be made to the Administrative Officer. Such emergency work shall be permitted only if the Administrative Officer certifies the immediate necessity for such permit issuance. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible, and such convening members shall proceed to review the certificate of approval application as provided for in this chapter. The Commission shall conduct the emergency meeting in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-9. Subsequent to such review, a certificate of approval may be issued upon a majority vote of the members convened.
- (3) No work other than the emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained from the Commission after referral of the request by the Administrative Officer.

F. Informational meetings/conceptual review.

- (1) Persons considering action that may require a certificate of approval are encouraged to request an informal or informational meeting with the Commission and/or its Chair prior to submitting a formal application. The Commission shall hold said informational meeting within 30 days or at its next regularly scheduled meeting following receipt of the request, whichever is sooner. The purpose of the informational meeting shall be to review the design guidelines and procedure for obtaining a certificate of approval. Neither the applicant nor the Commission shall be bound by any informational meeting or conceptual review.
- (2) The Commission shall not hold any informational meetings or consider conceptual review of an application for development unless the application is referred to it by the Planning Board, the Zoning Board of Adjustment, or the Development Review Committee.

§ 93-6. Referral of development applications from municipal agencies.

- A. The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application submitted to either Board for development in a historic district or historic buffer area or on a historic site designated on the Zoning Map or identified in any component element of the Master Plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one or more of its members or staff to testify orally at the hearing on the application and to explain any written reports that may have been submitted. Any recommendation by the Historic Preservation Commission to the Planning Board or Zoning Board of Adjustment on an application for development shall be considered advisory only.
- B. An approval by the Planning Board or Zoning Board of Adjustment, as the case may be, shall not relieve the applicant of the requirement of obtaining a certificate of approval for those aspects of the project not approved by the applicable board in the review of the application for development.

§ 93-7. Standards, design guidelines and criteria.

- A. The Design Guidelines set forth in this section are the criteria by which the Historic Preservation Commission will review applications and determine the appropriateness of proposed work in any historic district or on any historic site. They shall apply to the repair and alteration of existing buildings and historic landmarks and to the construction of new buildings.
- B. The design guidelines seek to protect and preserve the distinguishing characteristics of Cranbury's historic village while allowing expressions of change and adaptation. The underlying principle of these guidelines is respect for the existing built environment.
- C. In reviewing an application for a certificate of approval, the Commission shall consider the setting, design, arrangement, texture, details, scale, shape, materials, finish, color, streetscape, and related outbuildings and the relationship of those characteristics to the historic, architectural, cultural, archeological, and aesthetic significance of the historic site or district. In addition, in interpreting and applying the standards and criteria set forth herein, the Commission shall be guided by the principles of the current version of the Secretary of the Interior Standards for Rehabilitation and the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
- D. In considering development applications referred to it and in providing its advice to the Planning Board and the Zoning Board of Adjustment on the impact of the provisions of the Land Development Ordinance Editor's Note: See Ch. 150, Land Development. (LDO) on historic preservation, the Commission may consider the applicable use limitations, bulk requirements, and lot coverage restrictions, and the relationship of the proposed work to the streetscape and to the design of adjacent structures.
- E. In reviewing any application before it, the Commission shall give consideration to the cultural, historic or architectural values of the structure and its relationship to properties in the surrounding area, the general compatibility of the proposed use to the cultural and historical values of the surrounding area, and the general compatibility of size, exterior design, arrangement, texture and materials proposed to be used. In carrying out its review, the following specific guidelines and criteria shall be utilized:
 - (1) Site and streetscape.
 - (a) The historic features of a particular site and its surrounding environment shall be considered an integral part of any project involving additions or new construction.
 - (b) New construction or development, to the extent possible, shall be consistent with existing setbacks, alignment, facade orientation to the street, and other site characteristics.
 - (c) Where a historic building is sited on a lot that differs from the predominant building pattern, the special character of the property, including the size of the lot, the uninterrupted view from the street, the placement of the house and accessory structures, driveways, and other individual site features, shall be preserved.
 - (2) Building site. Additions and new construction shall be compatible with the existing pattern of utilization of the building site and the structures to which the site is physically and visually related. Each proposal shall be evaluated in relation to its particular site characteristics, including compatibility of setback, orientation, and rhythm of spacing between buildings. Principal elevations of buildings, which characteristically face the street with a strong sense of entry, shall be maintained.
 - (3) Garages and accessory structures. The siting of a garage or other accessory structure shall be consistent with the development pattern of such structures in the immediate area or in the district in which the property is located. New work shall be compatible with the historic character of the setting in terms of size, scale, design, material, color, and texture. All garages and accessory structures shall be located at the rear of or on an inconspicuous side of the historic building and be limited in size and scale in relationship to the historic building. If the garage or accessory structure is attached to the historic structure, it shall be designed so that there is the least possible loss of historic material and that character-defining features are not obscured, damaged or destroyed. The addition shall be designed in a manner that makes clear what is historic and what is new.
 - (4) Fences. High berms and modern fence types such as chain link, split-rail or contemporary metal railings are not appropriate and shall be used only when shielded from public view.
 - (5) Walkways. Historic walkway materials such as bluestone, slate, and brick shall be retained and re-set when necessary. If replacing concrete with concrete, the texture and color shall be matched. Bluestone, slate, brick, and concrete may be used for new walkways in the public view. Decorative concrete pavers that simulate brick and stone shall not be permitted.
 - (6) Additions and new construction. New construction or additions shall be compatible with existing features of the building site and surrounding structures and shall conform to the design guidelines set forth in Subsection E(l) hereof regarding site and streetscape.
 - (7) Size. Size includes the height, width and overall bulk of a building. On a street of generally aligned facades, new buildings shall be within the range of building heights and widths along the block. The overall bulk of additions and

new construction shall not overwhelm the original building size or the places to which it is visually related.

- (8) **Massing.** The massing (form and shape) of additions and new construction should harmonize with the original building and the buildings to which it is related. If possible, additions and new construction shall be discernible from the original building. Additive massing, such as the attachment of smaller volumes of related shape, is recommended. Single boxlike forms, to the extent possible, shall be broken up into smaller varied masses with articulated facades. To preserve the historic character of the building's mass, additions shall be located to the rear or on an inconspicuous side of the historic building, and the size and scale of the addition shall be related to the historic building. The integrity of the front facade shall be maintained.
- (9) **Proportion.** The proportion, relationship of height to width, of a building's primary facade shall be visually compatible with the buildings and places to which it is visually related.
- (10) **Directional expression.** The shape of a structure, placement of openings and other architectural details provide an overall directional expression to a building facade. Buildings may have a vertical, horizontal or nondirectional emphasis. The vertical, horizontal or nondirectional facade character of new buildings shall be related to the predominant directional expression of nearby buildings. If, for example, a proposed new building appears too horizontal in relation to more vertical adjacent structures, the facade shall be divided into smaller masses with vertical elements in order to conform to the streetscape.
- (11) **Roofs.**
 - (a) The original shape, pitch, configuration, and material shall be retained and existing materials matched to the greatest extent possible.
 - (b) The decorative and functional features of the roof, such as eaves, cornices, chimneys, dormers, cupolas, gutters and flashing shall be preserved or, if too deteriorated to repair, shall be replaced with construction matching the original as nearly as possible in material, size, shape, texture, color and orientation.
 - (c) Built-in gutters that are integrated into the design of the eaves and cornices shall be maintained. External gutters that are hung at the edge of the roof shall not be permitted on structures with built-in gutters. Where permitted, hung gutters shall be installed so as not to interfere with the architectural detail. The use, shape and construction of the gutters should be appropriate to the period of the structure.
 - (d) Roof additions on existing buildings shall not damage or obscure the historic character of the roof. The roof pitch, plane and detailing of an addition shall be compatible with the main roof. New chimneys, vent stacks, dormers, skylights, mechanical and service equipment, satellite dishes, antennas and solar collectors shall be located so as to be inconspicuous from the public street. New chimneys shall be constructed of masonry, either brick or parged concrete, with a traditional ground-level base, and shall not be cantilevered over the foundation of the house. New roof dormers shall be designed and placed so as to be in scale, proportion and balance with the roof and the building. Dormers shall complement the roof plane in which they are located. Dormers shall not be placed on the front elevation. Large dormers that extend the entire length of the roof shall not be permitted.
 - (e) Roof designs for new construction shall harmonize with the shape and rhythm of roofs along the street. Where an area has a predominant roof type, new roofs shall be visually compatible with that type.
- (12) **Exterior materials.**
 - (a) **Existing buildings or structures.**
 - [1] If possible, original surface materials shall be retained and repaired on existing historic buildings.
 - [2] In cases where a nonhistoric artificial siding has been previously applied to a building, restoration of the historic siding material is recommended.
 - [3] When visible from a public street, existing wood siding on historic buildings shall be retained and repaired. If wood siding is too damaged to repair, it shall be replaced with wood material of like construction, matching the original as near as possible in size, shape, profile, and texture.
 - [4] When removing paint from wood siding, the use of destructive removal methods such as sandblasting is prohibited.
 - [5] Historically painted wood siding shall not be stripped or stained to create a "natural" effect.
 - [6] The original color and texture of masonry walls shall be maintained.
 - [7] Paint or stucco shall not be removed from historically painted or stuccoed masonry walls. Paint or stucco shall not be applied to historically unpainted or unstuccoed masonry walls.
 - [8] Masonry or mortar shall only be cleaned when necessary to halt deterioration or to remove heavy soiling, using the gentlest method possible, such as low-pressure water and detergents, and using natural bristle brushes. Sandblasting, caustic solutions, and high-pressure water blasting shall not be used.

- [9] Masonry walls shall be repointed when there is evidence of disintegrating mortar, cracks in mortar joints, loose bricks, or moisture retention in the walls. New mortar shall duplicate the old mortar in composition, bonding strength, profile, color and texture.
- [10] Masonry wall surfaces too damaged or deteriorated to repair shall be replaced with material of like construction, matching the original as near as possible in size, shape, texture and color. If using the same kind of material is not practical or economically feasible, then a compatible substitute material may be considered.

(b) New construction or additions. New construction or additions shall be designed to be compatible in terms of mass, relationship of solids to voids, and color.

(c) Synthetic siding.

[1] Synthetic siding may be used on new structures.

[2] Synthetic siding may be used on new additions visible from the public street only if the synthetic siding is similar to and compatible with the siding on the historic building in terms of size, shape, scale, texture and color.

[3] Synthetic siding may be used to resurface existing historic structures only if the areas to be re-sided are not visible from a public street.

[4] On existing structures, synthetic siding shall be approved only if the following conditions are met:

[a] The substitute siding will not endanger the physical condition and structure of the building.

[b] The substitute siding can be installed without damaging, obscuring, or covering any of the architectural features and trim of the building.

[c] The architectural feature and trim will be retained.

[5] When the use of synthetic siding is permitted, the material should match the historic material that is characteristic of the district in size, shape, scale, texture and color.

(13) Windows.

(a) The number, size, shape and location of existing windows shall be retained. Windows shall not be blocked in to reduce the size of the opening or to fit stock sizes. New window openings shall not be added to any elevation visible from a public street.

(b) Window frames, sash, decorative glass panes, sills, heads, hoodmolds, moldings, and exterior shutters shall be retained and repaired. New or replacement windows on historic buildings shall be appropriate to the period and style of the building and shall duplicate the material and design of the older feature. Replacement sash of wooden windows shall be wooden. True divided light sash or simulated divided lights shall be permitted. Snap-in muntins shall not be permitted. Replacement sills and window frames shall be constructed to true historical dimensions to match existing sills and frames. If duplication of the original window is not technically or economically feasible (such as replacement of an elaborate stained glass window), a simplified version of the original may be acceptable, in the Commission's discretion, provided it is of the same size and proportion.

(c) Where newer windows have acquired significance in their own right (such as Colonial Revival changes on older houses), they shall be maintained as evidence of the building's history. Modern windows that are inappropriate to the historic period of the house shall not be used if they are visible from a public street. Modern window types that shall be considered inappropriate include large picture windows, sliding glass doors, casements and bow windows unless they are original to the building.

(d) Except when the use of synthetic materials for shutters is specifically permitted elsewhere in this chapter, replacement shutters on windows shall be wooden and sized to cover the entire window when closed. Shutters shall be fastened to the window frame, not to the siding. Early shutter hardware such as hinges, holdbacks, and latches shall be preserved. When the use of synthetic materials for shutters is permitted, the material should match the original in size, profile, scale, texture and color.

(e) Interior storm windows are preferable and should be properly designed. Proper design means storm windows with airtight gaskets, ventilating holes, and/or removable clips to ensure proper maintenance and to avoid condensation damage to historic windows. If exterior storm windows are used, they should not damage or obscure the windows and frames.

(f) On a new addition to an old building, or in new construction, windows shall harmonize with the material, scale, proportion, placement and rhythm of windows on buildings to which they are visually related.

(g) Original or early windows shall be preserved whenever possible.

(14) Doors.

- (a) The number, size, shape and location of existing entrances visible from the public street shall not be changed. Primary entrances shall not be moved, and new door openings shall not be added to any elevation visible from a public street.
- (b) Doors, including original doorway details such as moldings, decorative glass, hinges and doorknobs, fanlights, sidelights, pilasters, door frames, and finish hardware shall be preserved whenever possible. If a door is too deteriorated to repair, the existing door (or evidence of the building's original or early door) shall be used as a prototype for replacement. New or replacement doors on historic buildings shall be appropriate to the period and style of the building, duplicating the material and design of the older feature to the extent possible.
- (c) Doors on a new building shall be compatible with the scale, proportion and rhythm of windows and doors of buildings to which the building is visually related.

(15) Porches.

- (a) Historic porches shall not be removed. Porches that are early 20th Century additions to older houses shall be retained because they are part of the building's history. Open front porches shall not be enclosed in a manner that results in diminution or loss of historic character by using solid materials such as wood, stucco, or masonry. Recommendations include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.
- (b) Original features such as the roof and its decorative cornices, porch columns, railings, balustrades, flooring and steps shall be retained and restored whenever possible. If it is necessary to replace original porch elements with new material, the replacement shall match in material and design and the original feature shall be used as a model for the replacement. Brick, concrete and wolmanized decking material shall not be used to replace historical tongue-and-groove wood flooring. Selective repair of porch elements rather than wholesale replacement is recommended.

(16) Trim. Trim refers to the ornamental details applied to a building, such as cornices, brackets, pilasters, railings, corner boards, finials, bargeboards, and window and door casings. Historic trim materials may include wood, cast iron, terra cotta, stone, tile or brick. Historic trim shall be retained and repaired. If the historic trim is too deteriorated to repair, it shall be replaced with material that is similar in composition, size, shape, texture and color. Synthetic or substitute materials (such as fiberglass columns) shall be considered only when they are compatible in size, proportion, style, and texture.

(17) Storefronts. Significant surviving storefront elements, including windows, sash, doors, transoms, signs and decorative features, shall be retained and repaired. Accurate restorations based on historical research and physical evidence are encouraged. Consistent with encouraging adaptive reuse of historic buildings, where original or early storefronts no longer exist or where no evidence exists to document the storefront's original or early appearance, the design of a new storefront shall be compatible with the size, scale, color, material and historic character of the overall building.

§ 93-8. Demolitions and relocations.

A. Certificate of approval required.

- (1) No structure located in any historic district or on a historic site shall be removed or relocated without a certificate of approval. Subject to the criteria set forth in Subsection A(2) below, said approval shall be granted only if the structure cannot be put to a reasonable use and its preservation will impose an undue hardship on the applicant.
- (2) In reviewing any demolition or relocation application, the Commission shall consider the following matters:
 - (a) The structure's historic, architectural, cultural and aesthetic significance.
 - (b) The structure's current and potential use for those purposes currently permitted by the Land Development Ordinance or for the use proposed.
 - (c) The structure's importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the integrity of the historic property or district and the public interest.
 - (d) The extent to which the structure 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.
 - (e) The extent to which the structure's retention would attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage, or make the municipality a more attractive and desirable place in which to live.
 - (f) The probable impact of the structure's removal upon the ambiance of the historic district or designated historic site.

- (g) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the applicable building codes.
- (h) As to relocations only, the compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality, and the probability of significant damage to the structure or improvement as a result of the relocation.
- (i) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this chapter and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

B. Procedure where initial application for demolition or relocation disapproved.

- (1) Sale for fair market value. If the Commission disapproves an initial application to demolish or relocate a historic structure, the owner shall for a period of one year from the date of said disapproval make bona fide and diligent efforts to sell the structure to any person, organization, governmental agency or political subdivision that provides reasonable assurance that it is willing to preserve said structure. In order to maximize the opportunity to preserve the structure, the owner shall provide notice of the proposed demolition or relocation in accordance with the provisions set forth below.
- (2) Notice of demolition or relocation posted and published. Notice of the proposed demolition or relocation shall be posted on the subject property for a period of at least 30 days in such a manner as to be clearly readable from the street and shall be published in the Township's official newspaper at least once a week for a minimum of four consecutive weeks.
- (3) Grant of certificate of approval. Provided that the Commission is satisfied that the requirements of Subsection B(l) above have been met, it shall issue a certificate of approval.
- (4) Opportunity to salvage or recycle part of structure prior to demolition. With respect to demolitions only, in the event the owner does not intend to recycle or salvage parts of the structure, the owner for 30 days should at his or her discretion afford interested parties and groups the opportunity to remove parts or architectural features from said structure prior to its demolition. The Commission should at its discretion and without liability maintain a list of interested parties and groups, and the owner shall provide notice by certified mail to such groups advising of said opportunity to salvage.
- (5) For the purposes of satisfying the requirements of this Subsection B, the applicant shall not be obligated to accept less than the structure's fair market value as a historic structure.

C. Approval after change of circumstances. The Commission may at any time during such notice period, if a significant change in circumstances occurs, grant a certificate of approval to demolish, in which event, a permit shall be issued within 10 days thereafter.

§ 93-9. Appeals.

- A. The actions of the Commission or its Administrative Officer may be appealed to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(a) and in accordance with the procedures set forth therein, except that the appellant shall pay all costs for copies of any transcript(s) required for the appeal.
- B. If the Zoning Board of Adjustment determines that there is an error in any order, requirement, decision or refusal of the Commission or its Administrative Officer, it shall, in writing, include the reasons for its determination in the findings of its decision thereon.

§ 93-10. Administration, enforcement, violations and penalties.

- A. It shall be the duty of any municipal official reviewing a permit application involving real property or improvements thereon to determine whether such application involves an activity that requires a certificate of approval from the Commission. The municipal official may request assistance from the Administrative Officer in determining whether a certificate of approval is required. If a certificate of approval is required, the municipal official shall inform the Administrative Officer, the applicant, and the Commission.
- B. Upon learning of any violation of the provisions of this chapter, the Township Zoning Officer shall issue a notice of violation to the owner of the property on which the violation is occurring. Said notice shall describe the violation in detail and shall provide the owner 10 calendar days to abate the violation by submitting an application to the Commission for review and approval of the proposed work.
- C. The Zoning Officer shall personally serve the notice upon the owner of the lot on which the violation is occurring. If the owner cannot be served personally within the municipality, a copy of the notice shall be posted on the site and a copy sent by regular and certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.
- D. Each day that the violation continues beyond the ten-day period set forth above shall constitute a separate offense.
- E. Violators shall be subject to the penalties set forth in § 150-104 of this Code as said section may from time to time be

amended or renumbered. In addition, the Township may institute any appropriate action or proceeding pursuant to § 150-103 of this Code to enjoin or otherwise prevent the violation from continuing.

§ 93-11. Power to grant exceptions.

If the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship, the Commission shall be empowered to grant such exceptions as may be reasonable within the general purpose and intent of this chapter.

§ 93-12. Other requirements unaffected.

The requirements of this chapter shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action otherwise required.