

ORDINANCE 1 - 2016

**WASHINGTON TOWNSHIP
GLOUCESTER COUNTY**

AN ORDINANCE REPLACING ORDINANCE 08-2015 AND SECTIONS 2-64 AND 2-70 OF THE CODE OF THE TOWNSHIP OF WASHINGTON IN ORDER TO CREATE A HISTORIC PRESERVATION COMMISSION IN CONFORMANCE WITH N.J.S.A. 40:55D-107 AND PROVIDE FOR THE PRESERVATION OF THE OLDE STONE HOUSE VILLAGE AND ANY OTHER PERTINENT HISTORIC BUILDINGS OR SITES WITHIN THE TOWNSHIP OF WASHINGTON

WHEREAS, the historical, cultural, architectural and social heritage of the Township of Washington is given in trust from generation to generation to be used, enriched and then passed on; and

WHEREAS, the character, life-style and very quality of life in the Township of Washington depends in great measure on the Township of Washington protecting this heritage of the past, recognizing the historic relationship of its early settlements to the present; and

WHEREAS, the ongoing presence of historic buildings, as an essential element of Township character and identity, is an important factor in the economy of the Township and the property values therein; and

WHEREAS, such historic sites are vital to the education and civic-mindedness of the Township of Washington's young people; and

WHEREAS, a number of critical factors such as blight, deterioration and inattention could threaten the Township of Washington's historic buildings, and

WHEREAS, the welfare of the Township is dependent on the preservation of its historic heritage for the reasons set forth above.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Washington that Ordinance 08-2015 and Sections 2-64 Olde Stone House Village Advisory Commission and 2-70 Historic Preservation Commission of the Code of the Township of Washington are hereby deleted and replaced with the following:

2-70 HISTORIC PRESERVATION COMMISSION.

1.0 DEFINITIONS.

1.1 Addition - shall mean the construction of new improvement as part of an existing improvement when such new improvement changes the exterior appearance of any building.

1.2 Alteration - shall mean any work done or any improvement which:

- a. is not an addition to the improvements; and
- b. changes the appearance of the exterior surface of any improvement.

1.3 Certificate of Appropriateness - The written approval issued by the Historic Preservation Committee when so required prior to any work or activity commencing on any property set forth as within the boundaries of the Historic site of the Olde Stone House Village, or historic landmarks not located within the Village after confirmation of said sites as historically accurate. The Certificate of Appropriateness shall constitute a written report as set forth in N.J.S.A. 40:55D-111.

1.4 Demolition - shall mean the razing of any improvement or the obliteration of any natural feature of a building or landmark.

1.5 Historic District - shall mean a definable group of tax map lots, the improvements on which, when viewed collectively:

- a. represent a significant period(s) in the architectural and social history of the municipality; or
- b. because of their unique character can readily be viewed as a separate area or neighborhood district from surrounding portions of the township; or
- c. have a unique character resulting from their architectural style, significant purpose, or historical use.

1.6 Historic Preservation Commission - The review board established pursuant to N.J.S.A. 40:55D-107 and this ordinance.

1.7 Historic District or Landmark - shall mean any real property such as a building, structure, ruins, foundation, landscape, route, trail, place or object including, but not limited to, a cemetery, burial ground, or a natural object(s) or configuration, geological formation or feature which:

- a. contributes to the historic district or is of particular historic, cultural, scenic, or architectural significance to the Township of Washington and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified; or
- b. is identified with historic personages or with the important events of national, state, or local history; or
- c. shows evidence of habitation, activity, or the culture of prehistoric man; or
- d. embodies a distinguishing characteristic or an architectural type valued as representative of a period, style or method of construction; or
- e. represents work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the Township.

1.8 Improvement - shall mean any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location or such construction or installation for a period of not less than sixty continuous days. These improvements include, but are not limited to, cornice, brackets, porch spindles, railings, shutters, doors, exterior wall treatments, other decorative architectural features and signs.

1.9 Minor Application - shall mean any application for a Certificate of Appropriateness which:

- a. does not involve demolition or removal of a landmark or building within the district; addition to a building; or construction of a new structure in a historic district; or
- b. meets the criteria set forth in 5.1.b hereof.

1.10 Major Application - shall mean any application for a Certificate of Appropriateness which:

- a. involves demolition or removal of a building; addition to a building; or construction of a new structure in a historic district; or
- b. otherwise falls within the criteria set forth in 5.1.a hereof.

1.11 Repair - shall mean any work done or any improvement which:

- a. is not an addition to the improvement; and
- b. does not change the appearance of the exterior surface of any improvement.

1.12 Replacement - shall mean repairs when a building permit is required for same.

1.13 Structure - a combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land.

2.0 HISTORIC PRESERVATION COMMISSION.

2.1 Creation - There is hereby created in and for the Township of Washington a Commission to be known as the Historic Preservation Commission of the Township of Washington.

2.2 Membership - The Commission shall consist of seven (7) members, plus two (2) alternates. All members shall be appointed by the Mayor. There shall be three separate classes of members comprised of the following:

Class A – a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and

Class B – a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality; and

Class C – Citizens of Washington Township who shall hold no other municipal office, position or employment, except for membership on the Planning Board or Zoning Board of Adjustment; and

Alternate members shall meet the qualifications of Class C members and shall be designated at time of appointment as “Alternate No. 1” and “Alternate No. 2”; and

Alternate members may participate in all Historic Preservation Commission 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, an alternate member is to vote, Alternate No. 1 voting first.

2.3 Terms – The terms of the members first appointed shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, 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. 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 Board of Adjustment shall be for the term of membership on the Board of Adjustment.

2.4 Officers – The Historic Preservation Commission shall elect a chairman and vice-chairman from its members and select a secretary, who may or may not be a member of the Historic Preservation Commission or a municipal employee.

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.

No member of any Historic Preservation Commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

A member of a historic preservation body may, after public hearing if he requests it, be removed by the governing body for cause.

2.5 Miscellaneous Provisions - The Historic Preservation 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 (4) of the Commission's members including the chairman, or in his or her absence, the vice-chairman, but not less than a majority of the full, authorized membership may grant a Certificate of Appropriateness;
- b. The Secretary shall keep minutes and records of all meetings and proceedings including voting records attendance, resolutions, findings, determinations, and decisions. All such material shall be public record;
- c. All meetings shall comply with the open Public Meetings Act. (N.J.S.A. 10:4-7 et seq.);
- d. The Commission members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of official business, within the limit of funds appropriated, by the Township Council;
- e. The Mayor shall make provisions in the Municipal budget and designate funds for the expenses of the Historic Preservation Commission;
- f. Within the limits of funds appropriated for the performance of its works, grants and gifts, the Historic Preservation Commission may obtain the services of qualified persons to direct and assist the Historic Preservation commission and may obtain the equipment, supplies and other material necessary to its effective operation;
- g. The Historic Preservation Commission is empowered to seek advisory opinions and technical assistance from all township employees on any matter within the Commission's jurisdiction. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary, but only with the advanced submission to, and approval of the Mayor and Township Council. The Commission shall obtain its legal counsel from the Township Solicitor, but at a rate consistent with, and not to exceed, the rate charged to the Township. Expenditures pursuant to this section shall not exceed, exclusive of gifts, earned funds or grants, the amount appropriated by the governing body for the Commission's use.

2.6 Powers, Duties - The Historic Preservation Commission shall:

- a. Prepare a survey and maintain a list of historic sites within the Township pursuant to an identified criteria;
- b. Make recommendations to the Mayor, for referral to the Planning Board, on an historic preservation plan element of the Master Plan and on the implications for preservation of historic sites upon any other Master Plan elements;
- c. Hear and decide applications for Certificates Of Appropriateness pursuant to Section 4 hereof;
- d. Amend, from time to time, as circumstances warrant, the Historic Sites Map;
- e. Report at least annually to the Township governing body on the state of historic preservation in the Township and recommend measures to improve same;
- f. Collect and disseminate material on the importance of historic preservation and techniques of historic preservation;
- g. Advise all Township agencies regarding goals and techniques of historic preservation;
- h. Adopt such rules and procedures, not inconsistent with this Ordinance, for the transaction of its business, copies of which shall be made available to the public for a reasonable fee;
- i. Carry out such other advisory, education and informational functions as will promote historic preservation in the Township;
- j. Provide written reports on how the Zoning Ordinance applies to historic preservation;
- k. The Historic Preservation Commission shall be responsible for the care and maintenance of the buildings on the Township Historic Site known as the Olde Stone House Village;
- l. The Planning Board and Zoning Board of Adjustment shall make available to the Historic Preservation Commission an informational copy of every application submitted to either board for development on historic sites so

designated on the Zoning Map or Official Map, or in the Historic Element of the Master Plan. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

2.7 Interpretive Statement - In adopting this Ordinance, it is the intention of the Township Council to create an agency which can administer a system of preservation regulations - based on a rational plan and objective code legislation. The controls herein established, while compatible with N.J.S.A. 40:55D-28(b)(6) and the BOCA Code, should be viewed as having an independent basis under N.J.S.A. 40:48-2 and N.J.S.A. 40:55D28.b(10).

Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statues or Township ordinances or regulations. In the event of any inconsistency, ambiguity or overlapping of requirements between this ordinance and any other requirements enforced by the Township, the more restrictive shall apply, to the effect that state or federal legislation has not preempted the Township's power to enforce more stringent standards.

This Ordinance should not be viewed as requiring or prohibiting the use of any particular architectural style; rather, the purpose is to preserve the past by making it compatible with and relevant to the present. To that end, new construction in or near a building should not necessarily duplicate the style of the building - it should simply be compatible with and not detract from the building.

3.0 ESTABLISHMENT OF HISTORIC DISTRICTS AND LANDMARKS.

3.1 There are established in the Township of Washington the following Historic Landmarks:

- a. The Olde Stone House Village, defined for the purpose of this Ordinance as follows: The boundary lines site, as generally defined as the Morgan/Paulin/Atkinson property, known as 208 Egg Harbor Road, and listed on the tax maps as Block 18.08, Lot 1, including the properties known as the Olde Stone House, the Smokehouse, the Quay House, the Turnersville Post Office, the Bunker Hill Church, and the Blackwood Railroad Station;
- b. Buildings or landmark sites to be listed on the survey of historic sites for the Township of Washington after confirmation of said sites as historically accurate.

3.2 If the Historic Preservation Commission desires to create any additional Historic District or to include any additional land area to the initial districts or landmarks, the Historic Preservation commission shall do so by notifying each owner that his property has been tentatively designated as part of a historic district or a historic landmark, and the reasons therefore, by certified mail, and advise each owner of the significance and consequences of such tentative designation, and advise him of his opportunities and rights to challenge or contest such designation.

3.3 The Historic Preservation Commission shall make public a complete list and map of the tentatively designated historic landmarks specifying the location, boundaries and proper names thereof, and in each case, the reason for such designation. In designating any landmark or site, the Historic Preservation Commission may exempt any improvement or any portion of any tax map lot, the demolition or alteration or improving of which would not affect the landmark or district as to the purposes and criteria set forth in this Ordinance. Such exemption shall only be for good cause shown and upon affirmative vote of 2/3 of the full authorized membership of the Historic District commission.

3.4 After full consideration of the evidence brought forth at the special hearing, the Historic Preservation Commission shall make its final decision on the designations and shall

issue its final report to the public stating reasons in support of its actions with respect to each landmark designation.

3.5 Copies of the designation list and official map as adopted shall be made public and distributed to all township agencies reviewing development applications and all building and housing permits.

3.6 Each designated historic building may be marked by an appropriate plaque in such form as the Historic Preservation Commission shall promulgate by regulation.

4.0 CERTIFICATES OF APPROPRIATENESS.

4.1 Actions requiring a Certificate of Appropriateness. A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before a permit is issued for any of the following, or, in the event no other type of permit is otherwise required, before work can commence on any of the following activities involving any site or landmark:

- a. Demolition of a historic site or landmark;
- b. Relocation of any historic site or landmark;
- c. Change in the exterior appearance as visible from the street of any existing historic site or landmark, or addition, alteration or replacement;
- d. Any new construction of a principle or accessory structure on any historic site;
- e. Changes in, or addition of, new signs or exterior lighting, except that no Certificate of Appropriateness shall be required for an unlit sign per premises if the surface area of such sign does not exceed two square feet.

4.2 Exception - A Certificate of Appropriateness shall not be required for any repainting, repair, or exact replacement, of any existing improvement. In the event that the repair or replacement does not conform to the said regulations, a Certificate of Appropriateness shall be required. In terms of an exact replacements of finishes, materials, or architectural elements, it is understood that the Historic Preservation commission would prefer an applicant to maintain, stabilize, and repair, the original, or existing, finishes, materials or architectural elements before considering the replacement of same. However, the original or existing finishes, materials or architectural elements, should be designed and installed to replicate the material, size, contour, configuration, and design of that which is being replaced.

4.3 Emergency repairs to protect health, safety and welfare are permitted without first applying for a Certificate of Appropriateness. Application for a Certificate of Appropriateness, however, shall be required within thirty (30) days of the emergency repair in order to ascertain that the repair was done correctly.

5.0 APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

5.1 Application Procedures. Application for a Certificate of Appropriateness shall be made on forms available from either the Washington Township Clerk or the Secretary of the Historic Preservation Commission. Completed applications shall be delivered to the Secretary of the Historic Preservation Commission or the Washington Township Clerk at the Washington Township Municipal Building at 523 Egg Harbor Road, Sewell, New Jersey, not less than ten (10) days before a Historic Preservation Commission meeting. A sub-committee appointed by the Historic Preservation Commission shall review the application form and classify the application in accordance with the relief requested.

If the action for which the Certificate of Appropriateness is requested will substantially affect those characteristics of the site or landmark listed on the district's historic designation, the sub-committee shall classify the application as a major application and notify the applicant to submit a full application as described in the Historic Commission Regulations.

If the action for which the Certificate of Appropriateness is requested will not substantially affect the building or districts as stated in the above, then the sub-committee shall classify the application as a minor application.

5.2 Minor applications may be heard and decided immediately upon classification. Such immediate hearing shall be at the sub-committee's discretion, if there is sufficient evidence on the record at that point. Any such hearing shall be before the full commission at a meeting that is in full compliance with the Open Public Meetings Act. If the sub-committee finds that an adjacent property may be affected by the action for which a certificate has been requested, the sub-committee may order, as a condition subsequent to the approval of a minor application, that the applicant send certified mail notices of the sub-committee's actions to such owners of adjacent property, as the adjacent property owners shall have thirty (30) days to file a written objection, absent which the minor approval shall be deemed final. If written objection is received, the sub-committee shall refer the matter to the Historic Preservation Commission for its consideration and decision. The objector shall have full rights to present evidence and to cross examine prior witnesses. The Historic Preservation Commission shall hear and decide any objection within forty-five (45) days of its receipt.

5.3 Major application information and supporting documents. Applications for a Certificate of Appropriateness shall be filed in compliance with the following requirements:

1. The applicant shall file nine (9) copies of the application and nine (9) copies of the plot plans, maps and other such appropriate documents as required by the Historic Preservation Commission in the case of applications being made directly to the Commission;
2. The application shall include an overall site plan layout.

5.4 Hearing Procedures for Major Applications:

1. The applicant shall notify all property owners within two hundred (200) feet of the lot line of the historic property in question, by certified mail, return receipt requested, of the hearing on the application, including a statement as to the work or activity involved, not less than ten (10) days before it is to be heard. A list of such property owners may be obtained from the Washington Township Tax Assessor office;
2. The applicant shall present a certificate of service of such notice at the hearing on the application.

5.5 Time Frame of Decision by Commission:

1. The Historic Preservation Commission shall reach a decision on the application within forty-five (45) days after the Secretary has declared an application to be complete; otherwise, the application shall be deemed to have been approved. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Historic Preservation Commission. The Historic Preservation Commission may advise the applicant and make recommendations in regard to the appropriateness of the proposed action, and may grant approval upon such conditions as it deems appropriate within the intent and purpose of this section;
2. If an application is approved, the Historic Preservation Commission shall forthwith issue a Certificate of Appropriateness. If the Historic Preservation Commission disapproves an application, the Historic Preservation Commission shall state its reasons, in writing, in resolution form, within ten (10) days of such decision. In case of disapproval, the Historic Preservation Commission shall notify the applicant, in writing, of such resolution of disapproval, and reasons therefore, and provide the applicant with a certified copy thereof.

6.0 STANDARDS OF CONSIDERATION.

6.1 In considering whether an application for a Certificate of Appropriateness should be granted, the Historic Preservation Commission shall consider whether, if the approval is

denied, the applicant may still make any reasonable use of the property as such use is permitted in the Township zoning ordinance.

6.2 **Criteria for Historic Structure Review.** In reviewing any application for a Historic site Certificate of Appropriateness, the Historic Preservation Commission, as well as other Township Councils and governing bodies, shall make their determination as to whether an application should be approved, approved with conditions, or denied on the basis of the purposes of this section, the provisions of the ordinance, and the following criteria of review from the U.S. Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," and the following design criteria. The standards and Design Criteria are requirements. The Guidelines and Description of Styles and Check List provide general design and technical recommendations and shall be made available to applicants, their architects, contractors and sub-contractors.

- a. Every reasonable effort shall be made to provide a compatible use for property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;
- b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
- c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged;
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected. However, if an earlier appearance of a building is of primary significance, and can be documented, then restoration may be the preferred treatment. Removal of later changes may be allowed in certain cases, if such changes alter, obscure, or destroy the building's "character-defining" space, materials, features, or finishes of the building as it appeared during its primary period of significance;
- e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
- f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should, as near as possible, match the material being replaced in composition, design, color, texture and other visual qualities;
- g. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;
- h. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken;
- i. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project;
- j. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material, and character of the property, neighborhood or environment;
- k. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

6.3 **Visual Compatibility Considered for Additions or Removals.** In regard to an application to move a landmark or structure into, or to construct a new structure or add to or alter an existing structure within a historic district or a landmark, the visual compatibility of

the proposed structure with the structures and surroundings to which it would be visually related shall be considered in terms of the visual compatibility factors set forth in Section 6.4.

6.4 Visual Compatibility Factors. In assessing the effect of any proposed change under application for any landmark, the following "visual compatibility" factors shall be used to analyze the effect the change applied for would have on the landmark and on those structures to which the landmark is visually related.

In the event that a historic district has such unique features that the general guidelines below are not appropriate criteria, the Historic Preservation Commission shall, within eighteen (18) months of its organization, adopt regulations for each such district which are consistent with the generally applicable "visual compatibility" factors as set forth below:

- a. Area and Height Regulations - maximum building height, minimum lot size, maximum coverage, etc., shall be as provided in the Zoning Ordinance for the respective zones, except the Zoning Board of Adjustment or the Planning Board may grant a variance where necessary to preserve historic characteristics;
- b. Proportion of Facade - the relationship of the width of the building to the height of the front elevation shall be visibly compatible with the buildings and places to which it is visibly related;
- c. Position of openings - the relationship of the width of the windows to the height of the windows in a building shall be visibly compatible with the buildings and place to which it is visibly related;
- d. Rhythm of Solids - the relationship of solids to voids in such facades of a building shall be visibly compatible with buildings and places to which they are visibly related;
- e. Rhythm of Spacing - the relationship of the building to the open space between it and adjoining buildings shall be visibly related;
- f. Rhythm of Entrances - the relationship of entrances and porches to the street shall be visibly compatible to the buildings and places to which it is visibly related;
- g. Rhythm of Setbacks - the relationship of the setback of the building shall be compatible with the buildings and places to which it is visibly related;
- h. Relationship of Materials - the relationship of materials and texture of the facade and roof of a building shall be visibly compatible with the predominate materials used in buildings to which it is visibly related;
- i. Roof - the roof shape and pitch of a building shall be visibly compatible with the buildings to which it is visible related;
- j. Continuity of Walls - walls and open fencing shall maintain visual compatibility with the buildings and places to which it is visibly related;
- k. Scale of Building - the size of a building, mass of a building in relation to open spaces, the windows and door openings, porches and balconies shall be visibly compatible to the buildings and places to which it is visibly related;
- l. Directional Expression - a building shall be visibly compatible with buildings and places to which it is visibly related in its directional character, whether this be vertical character or horizontal character.

6.5 Demolition. In regard to an application to demolish a historic landmark or historic building or any improvement within a historic district, the following matters shall be considered:

- a. Its historic, architectural and social significance;
- b. Its potential for use for those purposes currently permitted by the zoning ordinance;
- c. Its importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest;
- d. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty;

- e. The extent to which its retention would promote the general welfare by maintaining and increasing real estate values, generating business, creating new jobs, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American History, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, or making the Township a more attractive and desirable place in which to live;
- f. It is within a historic district, the probable impact of its removal upon the ambience (ambiance) of the historic district.

6.6 Removals Out of the Township. In regard to an application to move a historic landmark or a historic building within a historic district, to a location outside the Township, the following matters shall be considered:

- a. The historic loss to the site of original location and the district as a whole;
- b. The compelling reasons for not retaining the landmark or structure at its present site;
- c. The proximity of the proposed new location to the Township, including the accessibility to the residents of the township and other citizens;
- d. The probability of significant damage to the landmark or structure itself.

6.7 Consideration of other Actions. In regard to an application for other approval of any proposed action, the following matters shall be considered:

- a. If a historic landmark or a structure in a historic district is involved:
 - 1. The impact of the proposed change on its historic and architectural character;
 - 2. Its importance to the Township and extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest;
 - 3. The extent to which there would be involvement of textures and materials that could not be reproduced or could be reproduced only with great difficulty.
- b. The use of any structure involved;
- c. If the application deals with a structure within a historic district, the impact the proposed change would have on the character and ambience of the historic district and the structure's visual compatibility with the buildings, places and structures to which it would be visually related.

6.8 Additional Matters Considered. In regard to all applications, additional pertinent matters may be considered but in no instance shall interior arrangement be considered except to the extent that it impacts on the exterior appearance.

7.0 EFFECT OF A CERTIFICATE OF APPROPRIATENESS: APPROVAL, DENIAL, APPEAL.

7.1 Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other Township ordinance to be made prior to undertaking the action requested vis-a-vis the landmark or structure in the historic districts. A certificate shall be valid for two (2) years or such reasonable extensions thereof as the Historic Preservation Commission may deem it in the public interest to grant.

7.2 Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for vis-a-vis landmark or improvement to a historic district.

7.3 The granting or denial of a Certificate of Appropriateness may be appealed to the Township Zoning Board of Adjustment.

8.0 PENALTIES.

8.1 If any person shall undertake any activity vis-a-vis landmark or improvement within without first having obtained a Certificate of Appropriateness, such person shall be deemed to be in violation of this Ordinance.

8.2 Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of the lot herein the violation is occurring, a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the landmark or improvement to its status quo ante. If the owner cannot be personally served within the Township with the said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at his last known address as it appears on the Township tax rolls.

8.3 In the event that the violation is not abated within ten (10) days of service, or posting on site, whichever is earlier, the Zoning officer shall cause to be issued a Summons and Complaint, returnable in the municipal court, charging violation of this Ordinance.

8.4 The penalty for violation shall be as follows:

- a. For each day, up to 10 days - not more than \$50.00 per day;
- b. For each day, 11 to 25 days - not more than \$75.00 per day;
- c. For each day beyond 25 days - not more than \$100.00 per day.

8.5 If any person is about to undertake any activity which would permanently change adversely the landmark or historic district in a permanent way, such as demolition or removal, without a Certificate of Appropriateness having been issued, the Zoning officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any landmark or structure within the historic districts.

8.6 Private residences shall be made exempt from any penalties issued under this Ordinance.

9.0 BUYER NOTIFICATION.

9.1 No owner or agent thereof shall hereafter sell, enter into an Agreement of Sale or convey any real property, other than vacant real property, listed as a historic site or landmark, unless written notice is first given to the person purchasing or accepting legal or equitable title to the real property, that said real property is listed as a historic site or landmark of Washington Township and is required to comply with all terms and conditions of this ordinance. The written notice may be included in any proposed contract of sale prepared, or may be sent by certified mail to the person purchasing or accepting legal or equitable title prior to the execution of any contract of sale or prior to acceptance of legal or equitable title by said person.

9.2 It shall be sufficient notice for the purposes of this Ordinance if the notice states: "The owner of any property on the Washington Township survey or historic sites and landmarks which has been elevated to the Registry of State and Historic Sites must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to making any additions, alterations or changes to the exterior of the improved property including demolition of any improved structure. Nothing is to prohibit the notice from including additional language concerning the Washington Township of Survey of Historic Sites and Landmarks."

10.0 PERMIT REVIEW.

10.1 It shall be the duty of all Township officials reviewing all permit applications involving real property or improvement thereon to determine whether such application involve any activity which should also be the subject of an application for a Certificate of Appropriateness, and if it should, to inform both the Secretary of the Historic Preservation Commission and the applicant.

11.0 REPEALER – All ordinances or part of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

12.0 SEVERABILITY – If any portion of this Ordinance is found to be invalid for any reason by any court of jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof.

13.0 EFFECTIVE DATE – This Ordinance shall take effect upon final passage and publication according to LAW.

Introduced: January 4, 2016

	NEWMAN	FAZZIO	LONGFELLOW	DONATO	MARTIN
YES	✓	✓	✓	✓	✓
ABSTAIN					
NO					
ABSENT					
RECUSE					

Public Hearing: January 20, 2016

	NEWMAN	FAZZIO	LONGFELLOW	DONATO	MARTIN
YES	✓	✓	✓	✓	✓
ABSTAIN					
NO					
ABSENT					
RECUSE					

TOWNSHIP OF WASHINGTON

BY: 
 SEAN LONGFELLOW, COUNCIL PRESIDENT

ATTEST:


 Jill McCrea, Township Clerk

On this 22nd day of January, 2016, I hereby approve the above Ordinance.


 Barbara A. Wallace, Mayor