

## Historic Preservation Commission

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### Ordinance Number 14-1992

AN ORDINANCE AMENDING ORDINANCE NO. 05-1978, ENTITLED An Ordinance Repealing an Ordinance entitled "The Harrison Township zoning Ordinance of 1964,1 as amended; and Enacting an Ordinance Establishing zoning Districts and the Nature and Extent of the Uses of Land, of Buildings, and of Structures Within Said Districts', AS AMENDED, PROVIDING FOR THE ESTABLISHMENT OF AN HISTORIC PRESERVATION COMMISSION, AND AN HISTORIC DISTRICT IN MULLICA HILL, PURSUANT TO N.J.S.A. 40:SSD- 107 at seq.

WHEREAS, the historical, cultural, architectural and social heritage of the Township of Harrison 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 Harrison depends in great measure on the Township of Harrison protecting this heritage of the past, recognizing the historic relationship of its villages with the surrounding farms and countryside; and

WHEREAS, the ongoing presence of historic districts, 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 districts are vital to the education and civic-mindedness of the Township of Harrison's young people; and

WHEREAS, a number of critical factors such as blight, deterioration and inattention could threaten the Township of Harrison's Historic Districts; 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 AND ENACTED by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, as follows:

## 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 District or historic landmarks not located within the District. 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; and

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.

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 Harrison 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 Harrison a Commission to be known as the Historic Preservation Commission of the Township of Harrison.

2.2 Membership - The Commission shall consist of seven (7) members, in three classes, plus two (2) alternates. The classes of members, as well as the composition of the entire Commission, shall be as set forth in N.J.S.A. 40:55D-107.

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 number 1 voting first.

2.3 Terms - Members shall be appointed by the Township Mayor and serve for four year terms, except that of the first members appointed, the terms shall be determined as set forth in N.J.S.A. 55D-107(c). All members may, at the expiration of their terms, be eligible to appointment for four-year terms. Also, members may be reappointed for additional terms upon expiration of their terms. Vacancies shall be filled in the same manner in which the previous incumbent was appointed and such vacancy appointment shall be only for the balance of such incumbent's unexpired term. Alternates shall be appointed for two year

terms and be designated as Alternate No. 1 and No. 2 at the time of their appointment. 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; 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 membership and select a recording secretary who may be a member of the Historic Preservation Commission, a municipal employee or other resident of the Township. The secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance records, resolutions, findings, determinations and decisions. All such material shall be public record.

**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. All meetings shall comply with the open Public Meetings Act. (N.J.S.A. 10:4-7 et seq.).

c. 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 Committee.

d. The Township Committee shall make provisions in its budget and designate funds for the expenses of the Historic Preservation commission.

e. 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.

f. 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.

**2.6 Powers, Duties** - The Historic Preservation Commission shall:

- a. Publish the Harrison Township Historic District Map in the Township's official publication.
- b. Hear and decide applications for Certificates Of Appropriateness pursuant to section 4 hereof.
- c. Amend, from time to time as circumstances warrant, the Historic District Map in the manner set forth in sections 3.2., 3.3., 3.4., 3.5., 3.6. and 3.7.
- d. Report at least annually to the Planning Board and the township governing body on the state of historic preservation in the township and recommend measures to improve same.
- e. Collect and disseminate material on the importance of historic preservation and techniques of historic preservation.
- f. Advise all township agencies regarding goals and techniques of historic preservation.
- g. 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.
- h. Provide written reports on how the zoning ordinance applies to historic preservation:
  - i. Application for permits concerning historic sites or properties in the historic districts shall all be referred to the Historic Preservation Commission for a written report concerning how the zoning ordinance applies to the proposed changes. The Historic Preservation Commission shall promptly submit this report to the Administrative Officer within 45 days from the time they receive the application. Recommendations to deny a permit or to place conditions on the permit shall be based upon proposed structural changes as subject to review by this ordinance. If the Historic Preservation Commission recommends against the issuance of a permit or places conditions on a permit, the Administrative Officer shall deny the permit or include the conditions on the permit. Failure to report within the 45-day period constitutes a report in favor of issuance of the permit without conditions.
  - j. 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 in the historic district or on historic sites not in the historic district 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 Committee 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. 40:55D-28 (b) (6) and section 516 of 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 Harrison the following Historic Districts and Landmarks:

The Mullica Hill Historic District, defined for the purpose of this ordinance as follows. The boundary lines of the Mullica Hill Historic District, as generally defined by the several streets, shall be the existing rear boundary lot line, as of the date of this ordinance of the lots bordering on the outside lines of the streets named as boundaries. Both sides of the street are included unless otherwise designated. These boundaries correspond with those defined as the Mullica Hill Historic District, the New Jersey and National Registers of Historic Places.

1. Main Street from the Swedesboro Road on the north to the intersection of Bridgeton Pike and Commissioners' Road on the south.

2. East Avenue from North Main Street to 16 East Avenue on the north and 13 East Avenue on the south.

3. Union Street from North Main Street to its terminus.
  
4. Glassboro Road from South Main Street to Mill Street and to Richwood-Mullica Hill Road.
  
5. East Church Street from South Main Street to 12 East Church Street on the north and 15 East Church Street on the south.
  
6. High Street from South Main Street to 14 High Street on the north and 7 High Street on the south.
  
7. Mullica Hill-Woodstown Road from South Main Street to 24-26 Woodstown Road on the north and 15 Woodstown Road on the south.
  
8. New Street from South Main Street to 10 New Street on the north only.

**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, -and shall comply with the requirements set forth hereafter in Sections 3.3, 3.4, 3.5, 3.6 and 3.7.

**3.3** The Historic Preservation Commission shall make public a complete list and map of the tentatively designated historic districts and landmarks specifying the location, boundaries and proper names thereof, and in each case, the reason for such designation. -In designating any landmark or historic district, 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. The tentative list and map shall thereafter be submitted at a public hearing for the examination and criticism of the public. Interested persons shall be asked to present their opinion, suggestions and objections and the map showing all proposed historic districts and historic landmarks shall be published, together with notice of the hearing of same, in the official newspaper not less than ten (10) days before such hearing is to be held.

**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 and historic district designation.

3.5 The list shall be submitted thereafter to the Township Clerk. The Township Committee shall then consider whether to adopt the designation list and map by ordinance and may refer the proposed Zoning Board. Once adopted, the designation list and map may be amended in the same manner in which was adopted. Upon adoption the designation list and map shall also be incorporated, by reference, into the official zoning ordinance.

3.6 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.

3.7 Each designated historic district or 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, or within any historic district:

4.2 Demolition of a historic site or landmark, or of any improvement within any historic district.

a. Relocation of any historic site or landmark, or of any improvement within any historic district.

b. Change in the exterior appearance as visible from the street of any existing historic site or landmark, or of any improvement within any historic district by addition, alteration or replacement.

c. Any new construction of a principle or accessory structure on any historic site, or in any historic district.

d. 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 Harrison 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 Harrison Township Clerk at the Harrison Township Municipal Building at 110 South Main Street, Mullica Hill, 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.

a. If the action for which the Certificate of Appropriateness is requested will substantially affect those characteristics of the district 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 District Commission Regulations.

b. 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 eight (8) copies of the application and eight (8) 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 through referral by another Harrison Township board or official, the applicant shall have the responsibility of providing an advisory copy of the full application to the Harrison Township Planning Board, Harrison Township Board of Adjustment, Harrison Township Board of Health and Harrison Township Construction Code official. The filing of this advisory copy to the above noted boards shall be made by the applicant within three (3) days of having filed the formal application with the Historic Preservation Commission.

2. The application shall include:

(a) An overall site plan layout, at a minimum scale of one (1) inch equals ten (10) feet to one (1) inch equals fifty (50) feet, showing the location of all adjacent properties.

(b) Sufficient color photographs of all adjacent properties and buildings within a minimum of sixty (60) feet of the landmark property lines. Each photograph shall be properly identified and referenced on the site plan.

(c) Elevation drawings may be optional at the Commission's request. All building elevations required shall be at a minimum scale of one-quarter (1/4) inch equals one (1) foot. Additional drawings such as floor plans and building details may also be required as necessary to explain the proposed application.

### **5.3. 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 Harrison Township Tax Assessor office.

2. The applicant shall present a certificate of service of such notice at the hearing on the application.

### **5.4. 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 District Certificate of Appropriateness, the Historic Preservation Commission, as well as other Township Committees 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 3eneral 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 most gentle 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, upon recommendation of the Historic Preservation Commission to the Zoning Board or Planning Board.

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 (ambience) 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.

e. The applicable matters listed in Sections 6.1. and 6.5.

**6.7** Removals Within the Township. In regard to an application to move a historic landmark or any structure in a historic district to a new location within the township, the following matters shall be considered in addition to the matters listed in Section 6.6.

a. The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the intent and purposes of this ordinance.

b. If the proposed new location is within a historic district, the visual compatibility factors as set forth in Section 6.4. hereof.

**6.9** Consideration of other Actions. In regard to an application for other approval of any proposed action as set forth in 4.0. hereof, 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, and
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. The extent to which the proposed action would adversely affect the public's view of a landmark or structure within a historic district from the public street.

d. If the application deals with a structure within a historic district, the impact the proposed change would have on the character and (ambiance) ambience of the historic district and the structure's visual compatibility with the buildings, places and structures to which it would be visually related in terms of the visual compatibility factors set forth in section 6.4. hereof.

**6.9** 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 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.

7.1 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.

7.2 The granting or denial of a Certificate of Appropriateness may be appealed to the Township Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70a.

## 8.0 PENALTIES

8.1 If any person shall undertake any activity vis-a-vis landmark or improvement within, historic district 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 hereon 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.

## 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, within any Harrison Township Historic District or designated structure 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 within the Harrison Township Historic Districts 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 Any real estate broker and/or agent rendering services to an owner of real property in the conveying of said real property, shall be deemed to be an agent of the owner. In the event the agent is charged with a violation of this section, as an affirmative defense to said charge, the agency may present a notice to the owner from the agent notifying the owner of the obligation of the owner to provide notice, provided that said notice is either sent by certified mail with receipt requested or the seller has affixed seller's signature acknowledging receipt of said notice.

9.3 It shall be sufficient notice for the purposes of this ordinance if the notice states: "The owner of any property in the Harrison Township Historic Districts 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 Harrison Township of Historic Districts and Historic 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

11.1 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

12.1 In 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

13.1 This Ordinance shall take effect upon final passage and publication according to law.

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ATTEST:

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*Leona D. Ballinger*  
**LEONA D. BALLINGER, CLERK**

\_NOTICE

The foregoing ordinance was introduced and passed on first reading at the meeting of the Township committee of Township of Harrison Committee on August 17, 1992. and will be considered for final passage and adoption at a meeting of the Township Committee to be held at the Harrison Township Municipal Building, Mullica Hill, New Jersey at 7:30 p.m. on August 31 , 1992, at which time any person interested shall be given an opportunity to be heard.

  
\_\_\_\_\_  
AUSTIN DATZ, MAYOR

ATTEST:

  
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LEONA D. BALLINGER, CLERK

INTRODUCED: August 17, 1992

ADOPTED: August 31, 1992 .